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# focus

ON POLITICAL  
REPRESSION IN  
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## POLICE ADMIT TORTURE

Police in Namibia have admitted in the Windhoek Supreme Court to carrying out or condoning the torture of political detainees. During the trial of eight Namibians charged with advancing SWAPO's armed struggle police belonging both to the Security Branch and the Counter-Insurgency Unit (COIN – formerly known as Koevoet) gave revealing evidence about the brutal treatment of captured combatants.

Andreas HEITA (22), Salomo PAULUS (27), Andreas Gideon TONGENI (23), Gabriel MATHEUS (23), Martin AKWEENDA (23), Johannes NANGOLO (33), Petrus Kakede NANGOMBE (23) and Sagaria Shipanga Balakius NAMWANDI (18) face over 100 counts of 'terrorism' under the Terrorism Act of 1967 which, although repealed in South Africa, remains in force in Namibia. They also face a large number of charges for common law offences after an amendment to the indictment. This was necessitated by a court ruling in this case invalidating charges under the Terrorism Act if they referred to acts committed after June 1985 when the MPC administration was inaugurated and a Bill of Rights introduced. (See Focus 68 p.9)

The dramatic evidence of torture emerged during a 'trial within a trial' to determine the admissibility of statements made by the accused while in detention. Their lawyers challenged the statements on two counts – that they had been obtained under duress and that they were not taken in accordance with legal procedure.

Two officers from the Oshakati Security Branch gave evidence, including the investigating officer in the case, Warrant Officer van der Hoven. Another witness, Nikodemus Namupala, was one of the officers who detained Heita and Paulus, the first two accused who are both charged with being PLAN combatants. The remaining defendants are alleged to have assisted them.

Both Heita and Paulus were injured on arrest – Heita had a gunshot wound to the arm and Paulus was seemingly run down by a police vehicle. He was sent to Pretoria for treatment. Heita, however, was interrogated immediately in spite of his injuries and brutally assaulted by Captain Ballach of COIN. The evidence of three policemen told a horrific tale – Ballach removed a drip from Heita's arm and beat him repeatedly with lengths of hosepipe during a three hour interrogation. He was then assaulted again the following day. Heita was asked to strip to the waist in court to display his scars which according to one policeman would require skin grafts. The police admitted that injuries to his back, head and ear were all caused after his arrest. His back in particular was scarred by large patches of abnormal and discoloured skin growth, the largest some 17 x 13 cms in size.

### NO RECORDS

Captain Ballach admitted that he had given Heita 'a good hiding' and, when pressed by the judge, acknowledged that the scars were 'extraordinarily serious'. He disputed the defence statement that it was a barbarous assault and also denied that Heita had been given electric shock torture so severe that he lost consciousness.

Ballach maintained that the assault was justified in order to force Heita to reveal information. In his words, 'he told lies ... but after being assaulted he was completely willing to tell the truth.' Warrant Officer Nikodemus Namupala, a veteran of 13 years with the Security Branch, had witnessed the torture but made no protest. He said he had never come across a case where a junior officer reported a senior one for assaulting 'an ordinary criminal'. He affirmed that the branch's attitude was to 'thrash' a prisoner 'until he points out what has to be pointed out'. He conceded only that they did not have authorisation to kill captives.

However, Ballach's evidence revealed that even where SWAPO combatants do die in detention or during capture no details are recorded, nor are inquests held: 'we simply do not keep any records'. He denied that any were

buried secretly and claimed that captured combatants were kept in approved rehabilitation centres and subsequently released. However, he could give no details of any such releases.

Although Heita had been the most severely abused, there was evidence that Ballach was also seen assaulting Nangolo and Matheus. Another defendant was severely beaten on his genital organs. Some assaults were carried out in a cemetery in Windhoek where explosives were discovered – bystanders who remonstrated with the police were frightened off by

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# namibia

# POLITICAL TRIALS AND DETENTIONS

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gunfire. Ballach was also implicated in severe assaults on SWAPO members sentenced to long prison terms in May 1986: Erastus Uutoni and Desiderius and Norbert Ankome.

In addition to charging duress, the defence pointed out a number of legal irregularities in the statements: members of the security police acted as both interpreters and commissioners of oaths for them and certain officers certified different statements, at the same time, at different places. It was proved that Heita's statement was not even signed by him.

On 10 March the state withdrew as evidence all the contested statements, in advance of any ruling by the judge. Arguments on the substance of the case by state and defence were then completed and the trial adjourned to 20 May when judgement will be given. The defence asked for the discharge of Tongeni, Matheus and Nangombe on the grounds of insufficient evidence. (WA 17/18/26.2.87, 5/9/10/26.3.87; Nam 20/27.2.87, 6/13/27.3.87; WO 14.3.87; S Star/S Trib 1.3.87; Star 20.2.87, 6.3.87)

## HINGASHEPUEA

Jonas HINGASHEPUEA (23) was sentenced to 12 years and six months' imprisonment in the Windhoek Supreme Court on 17 February for causing two explosions and escaping from police custody.

This case, like that of Mbonge below, was delayed pending a Supreme Court ruling on the validity of certain legislation in light of the Bill of Rights introduced in June 1985. The December decision that all legislation remains in force unless repealed or amended would seem to have ended the defence's challenge. (FOCUS 69 p.10)

Hingashepuea faced three charges: sabotage, alternatively 'terrorism'; (malicious) damage to property, alternatively sabotage; and escape from lawful police custody. He initially pleaded guilty to the third charge and not guilty to the first two, although one press report stated he had changed his plea during the trial.

The evidence against Hingashepuea, who was charged with causing two explosions in Tsumeb in July 1985, came from two state witnesses and Hingashepuea's own statement whilst in detention. Giving evidence in court Hingashepuea retracted his confession. He said he had admitted to the offences after being assaulted repeatedly. He was detained at his workplace in Tsumeb on 1 October 1985 and interrogated about his grandmother, two brothers and a young pregnant woman. He was also asked about two men whom he identified amongst a number of detainees.

When he refused to admit anything he was driven, blindfolded and manacled, to Oshakati for further interrogation. He said he was chained to a table, beaten with a hosepipe and kicked. Four members of the Security Branch assaulted him and threatened to 'blow him to pieces'. He named the investigating officer, Sergeant Koos Van Taak, as one of his assailants. He had escaped from custody in November 1985 to avoid further assault.

Two former PLAN combatants who had

become members of the Police Counter Insurgency Unit (COIN or Koevoet) gave evidence for the state. Ananias Negumbo, also known as Kondja, alleged that he had recruited Hingashepuea and trained him in the use of explosives. It was also reported that he had participated in the assault on the defendant. One former guerilla gave evidence without his name being made public, reportedly because 'he is to be called to give evidence in more trials'. Under the Geneva Conventions captured PLAN combatants should be treated as prisoners of war and not be interrogated. However, the regime detains and tortures and puts great pressure on them to join the occupation forces to avoid imprisonment or even death. (See FOCUS 69 p.10)

On 17 March Justice Herbert Hendler sentenced Hingashepuea to seven years for an attack on the Tsumeb post office which caused an estimated R44,000 worth of damage. He received an additional five years for an attack on a petrol station two days later and six months for escaping from police custody. The judge acknowledged that the accused had 'grievances' but said these did not amount to 'ideological motives'. (FOCUS 68 p.9; Nam 6/20.2.87; WA 17/19.2.87; WO 21.2.87)

## MBONGE

Silas Naftali MBONGE (20) was sentenced to an effective prison term of three years in the Windhoek Supreme Court on 18 March after being convicted of placing explosives at the Oshinanenea Garage in Oluno in September 1985. He was sentenced to five years, two of which were suspended.

Mbonge was originally charged with sabotage and malicious damage to property but the brief report of his sentence gave no further details. The explosives were not properly activated and only R50 worth of damage was caused. (FOCUS 68 p.9; Star 19.3.87)

## PUJATURA

In February John PUJATURA was acquitted on charges of arson arising out of a fire at the Augustineum College, Katutura, in June 1986. Pujatura was one of a number of pupils at the school who were detained at the time although he alone was charged.

The magistrate acquitted Pujatura on the grounds that there was insufficient evidence to connect him directly with the offence. Furthermore, on the alternative charge of inciting other students to commit arson, the weight of the evidence showed that he had not done so. Pujatura's lawyer criticised the use of Proclamation AG9 to detain the students, saying that they were thus deprived of legal advice and were under pressure to 'speak up' in order to be released. During the court hearing a number of witnesses changed their evidence under cross-examination. They were asked about a meeting convened to discuss student grievances and 'action against certain staff members'. Obed Kuzatjike said that the accused had pointed out the dangers of arson; Rumoldt Kanguotui said he could have erred in his earlier statements to the police and Venandjo Kandjimune denied Pujatura was even present. (Nam 27.2.87)

## DETENTIONS

In early April police confirmed the detention of the following people: (Nam 3.4.87)

AINIMA, Wilika - with husband and baby  
AMUKWAYA, Elizabeth (60) - from Okapanda  
KADHILA, Lameck  
KATOFA, Josef - former detainee  
PHILIPPUS, Mirjam (57) - from Ombalantu  
SHALIMBA, Titus - with wife and baby  
SHILONGO, Katofa (80) - with son, J. Katofa  
SHOOMBIE, Konis  
TOBIAS, Nestor

Other reported detentions, not confirmed, include those named in FOCUS 69 (if not mentioned above) plus those below. (NCC 30.1.87; Nam 30.1.87, 13/20.2.87, 6.3.87)

AMUNGUA, Miriam - from Ombalantu, on 28.1.87  
ANDREAS, Samuel - Assaulted, on 21.2.87  
ENDJALA, Ruben Vilho - on Angolan border  
HANGO, Benedictus - Teacher, by SADF, on 20.3.87, Okando  
IYAMBO, David - Pupil, by SADF on 20.3.87, Okando  
KASHIMA, Helvi - Teacher, Okando, 20.3.87  
MULONDO, Martin - Church worker, Katima Mulilo, 3.4.87  
NUUGULU, Absalom David - From Tsandi, on 15.1.87  
PHILLIPUS, Nangolo - With S. Andreas  
SHIGWEDHA, Bartolomeus - Pupil at Okando, by SADF, 20.3.87  
SHIKONGO, Nathanael - Onandjokwe, on 17.3.87

On 4 March the Administrator General announced the detention of those he said were responsible for a bomb blast at a petrol station in Gobabis on 13 January. Previously police had offered a reward for the arrest of Hosea Kotako, Titus Josef Shalumba/Salimba and Levi Ampollo, all from Ombalantu. (WA 23.1.87; WO 24.1.87, 7.3.87)

## HOSPITAL KIDNAP

A severely wounded man, Nathanael SHIKONGO, was detained at the Onandjokwe Lutheran Hospital on 17 March while awaiting treatment for a bullet wound in his right leg. Shikongo was abducted from the X-Ray department by members of COIN, part of a large military force who arrived at the hospital in three Buffels and 13 Casspirs. The hospital authorities said they searched the hospital, 'inspecting patients' and intimidating and abusing the staff.

Shikongo was brought in for treatment an hour before his abduction. A hospital statement described the man as 'severely wounded' and said his capture interrupted his resuscitation.

The hospital's management committee maintained that 'persons injured in military conflicts have a full right to proper medical care, and there are recognised international declarations and conventions to safeguard their interests.' (Nam 27.3.87)



## GUERRILLAS MOUNT NEW OFFENSIVE

Combatants of the People's Liberation Army of Namibia (PLAN) have been engaged in heavy fighting with the South African occupation forces in Namibia since the beginning of the year.

At the end of 1986 South African commanders claimed that they were on the brink of defeating PLAN and bringing about a 'successful counter-revolution' in Namibia. General Meiring, the officer commanding the South West Africa Territory Force (SWATF) estimated that there were only 35 guerrillas operating in Namibia at the end of November. (*S Tel* 16.11.86; *Nam* 28.11.86)

However, by March this year SWATF was claiming to have killed over 300 PLAN combatants in northern Namibia and South African military commanders admitted that there had been a 'marked increase' in the intensity of the war. A SWAPO communique stated that while the official figures amounted to an admission that the war had dramatically escalated, the figure for the number of fighters killed was 'pure fabrication'.

In January alone PLAN had carried out 66 combat actions, resulting in the death of 40 South African soldiers for the loss of 14 SWAPO fighters. Two South African helicopters and four military aircraft had been shot down by PLAN anti-aircraft fire, the SWAPO statement said. (*SWAPO Press Statement* 11.3.87; *DD* 19.3.87)

SWAPO had maintained continuous military activity during 1986, although fighting was most intense in the first half of the year. (*See FOCUS* 65 p.2, 66 p.12). In August attacks were launched on the military bases and garrisons at Oshakati and Ruacana while in

November three smaller bases were bombarded. A SWAPO communique said that 18 South African troops had been killed during an assault on Eenhana, which was repeatedly attacked during 1986. A total of 45 enemy soldiers had been killed during November, mostly in landmine incidents. (*S Star* 17.8.86; *WA* 6.11.86; *BBC* 10.11.86, 2.1.87; *Nam* 21.11.86)

During December SWAPO stated that it shot down two helicopter gunships and attacked two army posts in the Ovambo bantustan. In January a further attack was launched on Ruacana. Petrol stations used by the South African forces were bombed at Katima Mulilo in the Caprivi Strip and Gobabis in the east of the country. (*BBC* 12.1.87; *WO* 24.1.87; *SWAPO War Communique* 29.1.87; *Star* 2.2.87; *WA* 6.2.87)

By February, with the rains providing good conditions for guerrilla movement in the north, it was clear that a major SWAPO offensive was underway. Daily clashes were being reported in the Ovambo bantustan and white farmers to the south were put on alert and mobilised into Area Force Units. Rumours circulated that the guerrillas were mounting a cavalry attack in order to speed up their southwards advance, but these were quickly discounted. (*WA* 17.2.87)

As well as ambushes, skirmishes and attacks on patrols, PLAN guerrillas carried out a number of sabotage actions, cutting power supplies from the hydro-electric installations at Ruacana and planting a bomb at the Oshakati branch of Barclays Bank. In March the bases at Eenhana, Nkongo and Oshigambo were attacked. By early April the first reports of PLAN operations in the white farming areas south of the bantustans bordering Angola were being made. PLAN guerrillas were active in the Tsumeb area

sabotaging communications facilities. (*BBC* 6.3.87, 2.4.87; *WO* 7.3.87; *WA* 18.3.87; *Star* 30.3.87, 3.4.87)

### SOUTH AFRICAN RESPONSE

South African military commanders responded to the SWAPO rainy-season offensive with renewed threats against the People's Republic of Angola. A number of incursions into Angolan territory took place during the first months of 1987. These were presented as pre-emptive or hot-pursuit operations against SWAPO guerrillas making use of Angolan territory, but according to Angolan sources they involved clashes with FAPLA, the Angolan defence force.

General Meiring declared that during 1986 the South African forces had attacked Angola 'as often as in past years, only last year we did not publicise it'. He stated that the Angolan armed forces had been considerably strengthened and that South African air superiority over the southern parts of the country was no longer unquestioned. (*WA* 7.1.87)

During January South African forces attacked a number of FAPLA positions inside Angola, including the settlements of Xangongo and Mongua. In the conflict at Mongua, which is more than 50 miles inside Angola, the South Africans claimed to have killed more than 60 Angolans and SWAPO fighters whom they said they were pursuing. This was disputed by the Angolan authorities, who said that the town had been attacked by a force of 34 armoured vehicles supported by 12 helicopter gunships and four fighter-bombers. Pursuit of SWAPO guerrillas was simply a pretext for further aggression against Angola, said the Angolan news agency, ANGOP. (*GN* 27.1.87; *SS* 28.1.87; *BBC* 31.1.87)

## ADMINISTRATION IN CONFUSION

The Multi-Party Conference (MPC) administration in Namibia is faced with an uncertain future following strong criticism by the South African Administrator-General.

At the beginning of 1987 the MPC declared that it intended taking further steps towards unilateral 'independence' outside the UN plan set out in Security Council Resolution 435. It stated that it would officially adopt 'Namibia' as the name of the territory instead of 'South West Africa/Namibia' and that it would seek to establish a national flag and anthem. More substantive moves would involve the establishment of a Ministry of Internal Security to oversee the South West Africa Police (SWAPOL) and Territory Force (SWATF) and a Ministry of International Co-operation and Development to develop 'a substantial degree of formal autonomy in the conduct of foreign relations'. These functions are currently exercised directly from Pretoria.

Shortly after the MPC's 'Programme of Action' was announced, the Administrator-General, who acts directly on the orders of President P W Botha, severely criticised the administration and brought its programme into question. 'South Africa does not necessarily identify the wishes of the people of the territory with the wishes of the majority in the present transitional government', he declared. As the MPC administration was appointed by Pretoria to administer the territory, this amounted to a declaration of no confidence in the client regime. (*BBC* 26.2.87)

While he stated that he had no objections to adopting the name 'Namibia', he said that the

issues of control over SWAPOL and SWATF as well as the MPC's international profile needed careful negotiation with Pretoria. Earlier, the outgoing South African military commander, General Meiring, made it clear that military authority rested with Pretoria and that this was not likely to change. (*Star* 20.2.87)

A 'national intelligence department' was due to be established in Windhoek on 1 April, but it was not clear how much autonomy it would have. The department was placed under the directorship of Jacobus Maritz, a civil servant in the Central Personnel Institution. (*WO* 14.2.87)

The MPC administration has also prepared legislation to establish a Publications Control Board to take over censorship and the banning of publications from the South African board. (*WO* 28.2.87)

Pretoria's lack of confidence in its Namibian administration reflects the latter's poor performance since its inception in June 1985. A coalition of six small parties, the MPC has been riven by internal divisions and has failed to gain significant representation from the northern bantustans where over half the population lives. Crucially, it has been unable to reach consensus through the Constitutional Council on a draft constitution which could provide the basis for South African controlled pseudo-independence.

The Constitutional Council cannot agree on the future of the bantustans and segregated second-tier administrations which were imposed by the Administrator-General through Proclamation AG 8 in 1980. Two of the MPC parties see the scrapping of the second-tier administrations as vital to establishing support,

but other parties, including the white National Party, are committed to their retention.

In October and November last year MPC officials were called to Pretoria for talks, at which they were told by President Botha that 'group identity' had to be the basis for a South African-controlled 'independence' process. The Administrator-General made it clear in his criticisms of the MPC that Pretoria wanted approval for the draft constitution from bantustan officials such as Peter Kalangula who are not participating in the MPC administration.

The Administrator-General stated that elections for bantustan authorities could be held this year. This would further entrench the bantustan system. Elections are opposed by the MPC which fears that the bantustan leaders would undermine its power. Kalangula, chairman of the Ovambo bantustan administration, has said that second-tier elections are a condition for participation in the MPC's Constitutional Council. (*WA* 2.3.87)

The Constitutional Council plans to have finalised an 'independence' document by the middle of the year, which could provide South Africa with the opportunity of engaging in a bogus independence process to further undermine the UN plan for a settlement. However, given the weakness and divisions of the MPC, power is almost certain to remain in Pretoria's hands.

Dismissing the MPC's 'Programme of Action' for 1987 as a game of 'musical chairs', the liberation movement SWAPO stated that the MPC constitution 'will never be worth the paper on which it was being written because its authors have absolutely no support from the Namibian people'. (*WA* 2.3.87)

# ASSAULTS AND KILLINGS IN WAR ZONE

Against a background of continuing atrocities in Namibia's war zones as troops have tried to contain the armed struggle, SWAPO responded to the January military call-up by calling for resistance to conscription. The movement accused the South African Defence Force (SADF) of 'mass killings of innocent civilians in the rural areas. They have also destroyed schools, churches, burned crops, shot down cattle, robbed people and raped women'. At two rallies in Windhoek, in January SWAPO representatives called on Namibians to refuse to serve in the South West Africa Territory Force (SWATF) and condemned the cadet system in schools as a form of pre-military training. They also drew attention to the atrocities in the operational areas. (*Nam 11.4.86; WO 10.1.87, 7.2.87*)

Since June 1986 there has been evidence of mounting atrocities in much of occupied northern Namibia as SADF units have tried to suppress increased PLAN activity. (*See Guerrillas Mount New Offensive*).

The following account of atrocities is based on a survey of the Namibian press between mid-July 1986 and mid-March 1987. It is not a comprehensive account of SADF brutality. Information in the press is piecemeal, based on reports of official inquests and experiences of individual civilians. The northern war zones of Namibia are the subject of a stringent information clampdown and most of the activities of troops go unreported. (*See also FOCUS 66 p.11*)

● **Killings of curfew breakers** In September 1986 a man was killed and three others seriously injured when a group of camouflaged men in Casspirs (believed to be police) fired randomly on shoppers at Otshika near Oshiku. The incident occurred after curfew. In a sequel to an earlier incident, an inquest court convened in November found that no one was criminally liable for the death of Gebhard SIMON (33) who was killed when Defence Force members surrounded a shop in April 1985, acting on information that 'there were saboteurs in the region'. The servicemen had instructions to shoot on sight anyone out after curfew hours. Many civilians have been killed as a result of the military's strict enforcement of curfew regulations. In October Namibian churches unsuccessfully applied to the courts to have the curfew set aside, because it had disrupted family life, worship and ordinary social intercourse for half the population of the country. The churches were subsequently given leave to appeal. (*FOCUS 68 p.10, 69 p.10; Nam 26.9.86; 21.11.86*)

● **Other killings** The press survey revealed that during the period covered, at least 16 civilians died as a result of SADF operations against SWAPO guerrillas in 10 separate incidents. In one case, Paulus EKANDJO (50) died after he was assaulted by the police counter-insurgency unit (COIN) in January 1987. Five other people were assaulted in the same incident, in Ouma village near Ombalantu. The unit came from the Omahanene Base. (*Nam 13.2.87*)

The body of Johannes SHISHO disappeared after a contact in September 1985 between SWAPO guerrillas and a COIN unit from the Rundu base, in the Omolamba area near Nkongo. Two children were also shot

during the incident, which the authorities described as 'crossfire'. The inquest which took place in October 1986 produced no explanation for the disappearance of the body and highlighted the lack of records and accountability in the police and military with regard to deaths of civilians. (*Nam 18.10.86*)

The military authorities ascribed the death in November 1986 of Rev Gabriel AMUPOLO (63) of the Evangelical Lutheran Church, to SWAPO insurgents. He was called from his home one evening by a group of armed men and the next morning was found dead from bullet wounds. Local church leaders denied that he was killed by SWAPO and pointed to the shells from a South African rifle found in the vicinity and a history of COIN activity in the Othika area where he lived. (*NCC 3.12.86*)

Three women were killed in March 1987 in the Onamtai area when, after a contact with SWAPO guerrillas, SADF Casspir vehicles ploughed into a homestead, crushing two people sheltering inside. The third woman was shot while sitting in a field eating.

SADF officials said the people were killed 'in crossfire' but residents insisted the action was deliberate. The Casspirs had driven towards the homesteads as they retreated from the contact. As they approached the huts the members of COIN on board shouted and cursed at residents saying that they had given birth to SWAPO and that they would kill them. (*Nam 20.3.87*)

● **Assaults, intimidation and torture** Scores of people were injured in 22 separate incidents of assault and intimidation against civilians reported in the press between June 1986 and March 1987. Units from COIN, 101 and 202 Battalions and on one occasion cavalry from Okatope military base were involved in assaults on civilians - mostly in an attempt to extract information about the whereabouts of SWAPO guerrillas and intimidate the local population. People were beaten with sticks, rifle butts and fists. Many were hospitalised. In August COIN members beat people in an attempt to force villagers in Omutsewonime and Omalala to attend meetings of Etango - the cultural movement attached to the SADF. (*Nam 5.9.86*)

COIN activity has been particularly intense in the Ombalantu area. In December 1985 COIN units repeatedly entered villages, assaulting residents. (*Nam 17.1.87*)

In October the hamlet of Okathiku was subjected to a reign of terror. In a night of 'screaming and pain' SADF units from the Ongandjera and Omahanene bases rounded up all local youths, who were then beaten and tortured with electric shocks. (*Nam 24.10.86; NCC 4.11.86*)

In a particularly brutal incident in March 1987 soldiers from the Winela base in the Caprivi region poured petrol into the Zambezi river where a group of local children were swimming and set it alight. Two were treated for burns. (*Nam 6.3.87*)

In a sequel to an incident in June 1986 in which a 15-year-old schoolboy, Porteus Blasius, was seriously burnt when his face was held against the exhaust of an idling military vehicle, two national servicemen were fined only R500 each in a Windhoek magistrates' court. (*DD 20.10.86; FOCUS 66 p.11*)

● **Display of corpses** In July 1986, residents in the Ondangua area told of an incident in which Casspirs entered a village and deposited the bodies of two men. The villagers were ordered to bury them. In January this year *The Namibian* published a photograph showing the bodies of dead guerrillas tied to the front of an armoured vehicle. It was taken in December 1986 near Ondobe. This is the first photo-

graphic confirmation of reports by locals that troops and police routinely display the bodies of dead guerrillas to villagers as a form of intimidation. The police and military authorities have always denied such practices. The issue of *The Namibian* carrying the picture was banned, and later unbanned. (*WM 30.1.87*)

● **Rape and indecent assault** Members of the SADF have been involved in cases of rape and indecent assault. Two national servicemen, members of 3 SA Infantry Battalion were sentenced to 10 years imprisonment each in the Windhoek Supreme Court for the rape of a 24 year old woman, and the assault of two others, at Epalela near Ruacana in February 1985. Three years of each man's sentence was suspended. One of the accused was sentenced to an additional nine months' imprisonment for malicious damage to property and assault. (*WA 30.9.86*)

In October 1986 members of 53 Battalion raped and assaulted two women, both pregnant, at Oluno. The rapes took place during an operation to locate SWAPO guerrillas responsible for blowing up telephone lines. One of the women, Maria KAMUTUKWATA, was previously raped, in May 1984, by members of the same battalion. No charges arose out of the latter incident. Both women were hospitalised. (*Nam 3.10.86*)

In November, Sylvia CORNELIUS, who was six months' pregnant at the time, was raped by members of 101 Battalion, at Onamumulo, near Oshigambo, during an SADF search for SWAPO fighters. (*Nam 28.11.86*)

In January a 14-year-old schoolgirl Christophina THOMAS was seriously injured after she was shot in the stomach at point-blank range in an incident involving a group of SADF soldiers, in Ongwediva. She had resisted the sexual advances of one of the group. (*Star 17.1.87*)

In a separate incident also in January two women were raped by a group of six COIN members at Omajanga near Okatana. Neighbours who attempted to come to the assistance of the women were kept away by soldiers who fired shots in their direction. (*Nam 23.1.87*)

Against this background, several young Namibians have publicly resisted conscription. (*See FOCUS 64 p.10*)

In February two conscripts applied to the Windhoek Supreme Court to have their military call-up orders set aside. Alfons KOTJIPATI (23) and Edward AMPORO (21), were due to start their service in January. In an affidavit to the court Kotjipati said he had informed the army that he was prepared to do his military service on condition that he would not have to spill blood and that he would be employed as a storeman or clerk. He later instructed his attorney to inform the authorities that he would not render service until a decision had been reached on the Binga appeal in the Bloemfontein Appellate Division. Eric Binga challenged his call-up instructions in an earlier court case, on the grounds that in terms of international law the South African Parliament did not have the power to extend conscription to Namibians. In his affidavit Amporo stated: 'I regard the SADF and its units collectively referred to as SWATF as principal instruments by which the present South African Government illegally occupies Namibia'. (*Nam 19.2.86; See FOCUS 56 p.11*)

In a similar development religious objector Richard ROOINASIE (26), a Muslim, appeared before Windhoek's chief magistrate in March, charged with failing to report for military service. The case is to be transferred to the Supreme Court, following argument by his defence lawyer that it is the only institution which has the jurisdiction to test the validity in Namibia of the Defence Act. (*Nam 20.3.87*)



# POLICE AND ARMY UNDER PRESSURE

south  
africa

Reports of police and army activities in enforcing the State of Emergency and suppressing resistance have been vigorously censored. However, statements by the government's Bureau for Information point to continuous conflicts with township residents.

Isolated reports indicate police and army involvement in breaking boycotts and strikes, breaking up trade union and other meetings, controlling funerals, and on one occasion breaking up a school sports meeting with teargas, rubber bullets and live ammunition. (DD 6.11.86; S Star 16.11.86, 8.3.87; GN 17.11.86)

During the second half of last year, black universities became particular targets of police and army action following student protests and organisation. The University of the North was occupied by units of the South African Police (SAP) and Defence Force (SADF) and the Lebowa bantustan police, apparently because the authorities believed it to be the centre of community resistance in the Northern Transvaal. Police and soldiers issued identity cards to students and set up two bases on the campus from which they controlled the movement of students. (WM 3.10.86)

Township deployments have strained army resources. In many urban areas only about half

of all Citizen Force (part-time) troops conscripted for stints of operational duty have been obeying their call-up orders. To relieve the pressure on the army, conscripts in the navy and air force have been retrained and deployed to counter 'unrest'. (CT 7.1.87)

It remains the regime's long-term objective to replace many of the troops in urban deployment with police, particularly black police. In 1984 a ten-year recruitment programme was drawn up to double the strength of the South African police and 6,000 new members were reported to have been added to the force last year. Total police strength is expected to rise from its present level of about 56,000 to almost 100,000 in the next few years. (FOCUS 69 p3; WM 29.8.86; BBC 3.10.86)

The government has also authorised the recruitment and training of 17,000 council police, officially termed Law Enforcement Officers. (FOCUS 69 p3)

## RESIDENTS FIGHT BACK

Bureau for Information reports indicate that incidents where police or army patrols have been attacked by residents are amongst the most common conflicts in 'unrest' situations. In some cases the reports have been shown to be false - residents have stated that police started the conflicts by assaulting local people or

opening fire on peaceful demonstrations, funerals and other gatherings. However, in many areas instead of merely waiting for police or troops to attack, residents have been setting ambushes for patrols. Many of these have involved stonings, stabbings and petrol bombings but increasingly ambushes are being carried out with automatic weapons or hand grenades. In most cases where police have been killed, their weapons have been taken from them. (CT 8/28.10.87, 4/19.12.86, 28.1.87; BBC 28.11.86; DD 6.12.86; Star 28.12.86; GN 6.1.87; FM 9.1.87; S Star 11.1.87; CT 5.3.87)

Some incidents appear to have involved large numbers of armed residents. In November last year police were involved in a six-hour gun battle with residents in Soweto West, while the Bureau for Information reported in December that 'about 20 black people opened fire on members of the security forces in Katlehong (near Germiston)'. (WM 7.11.86; CT 9.12.86; DD 11.3.87)

According to the Minister of Law and Order, 27 members of the police force were killed and 185 wounded during 'unrest' in 1986 - it is not clear if Town Council police and Special Constables are included in this figure. The Minister of Defence refused to disclose the number of SADF troops killed or injured, on the grounds that it was 'not in the national interest'. (CT 24.2.84; DD 11.3.87)

## POLICE CLOSE LEGAL LOOPHOLES

A ban in April on encouraging protests calling for the release of detainees was one of several police actions aimed at closing legal loopholes in the emergency regulations. They were responses to organised campaigns which had survived earlier attempts to suppress information or prevent mobilisation.

The new orders issued on 10 April made it an offence - punishable by ten years' imprisonment or a R20,000 fine - to encourage people to participate 'in any campaign, project or action' aimed at securing the release of emergency detainees by the wearing of T-shirts or displaying of car stickers with messages calling for the release of detainees, the organising of meetings, the signing of petitions or coupons, or the sending of telegrams or letters to the government. (GN 13.4.87)

The police had failed a month earlier to prevent newspapers publishing advertisements by the DPSC calling for the countrywide observance of a National Detainees Day on 12 March. When the first advertisement appeared on 8 March, the police informed editors that the publication of similar advertisements would contravene the emergency regulations and that they would seize any newspapers containing them. However, several newspapers published the advertisement with a call to 'Release all detainees' deleted. The Rand Supreme Court granted an injunction restraining the police from preventing publication - the court ruled that the amended advertisement did not con-

travene the regulations. (BBC 10.3.87; Tel. 11.3.87; Star 12.3.87)

The National Detainees Day was widely observed. In Cape Town 4,000 people attended meetings at the universities of Cape Town and the Western Cape. About 1,500 people attended a meeting in Johannesburg organised by the DPSC. (DD/CT/WM/S 13.3.87)

## INFORMATION CONTROLS

In January the government gave the Commissioner of the South African Police the most wide-ranging powers of control of information yet introduced under the present State of Emergency. New emergency regulations were issued on 29 January in response to a partially successful legal challenge by two major newspaper groups after editors received police orders severely limiting reporting on banned organisations. The orders had been issued shortly after the publication in a number of newspapers of an advertisement calling for the unbanning of the ANC. (See FOCUS 69 p.2)

South African Associated Newspapers and the Argus Group argued in their application to the Rand Supreme Court that the Commissioner had exceeded his powers under the emergency regulations and that the restrictions he had imposed were unjust, unreasonable and vague.

On 29 January the court set aside one of the orders, which prohibited advertisements supporting organisations banned under the Internal Security Act, ruling that the Commissioner's powers did not extend to the whole country. However, it upheld a second order which de-

clared 'subversive' any statement likely to promote support for a banned organisation.

Hours later the regime amended the emergency regulations, empowering the Commissioner to issue an order prohibiting the publication or recording in any way of 'any news, comment or advertisement on or in connection with any matter' he defined as 'subversive'. His control had previously been confined to any statement threatening public safety or delaying the ending of the Emergency.

The amended regulations also included an expanded definition of a 'subversive statement' to include any statement encouraging people to participate in, join, or to support an unlawful organisation or take part in its campaigns of violence or resistance against the State. Further amendments were made to the previous regulations issued in December so that all clauses relating to news material also applied to advertisements.

The Commissioner then withdrew the earlier orders and issued a new one restricting publication of advertisements in connection with unlawful organisations, which defended or tried to justify their campaigns, actions or policies of violence or resistance to the State. (GG 29.1.87; Star/CT 30.1.87)

In February the government gave notice of its intention to appeal against the court ruling. (FM 6.2.87) The United Democratic Front and the Release Mandela Campaign, whose legal application against the emergency regulations as amended on 11 December was postponed until April, announced that they would also challenge the new amendments. (Star 11.2.87)

# POLITICAL TRIALS

## COMPLETED

### LESIA AND DITSEBE

A trial which attracted a heavy police and army presence ended in the Bloemfontein Regional Court on 30 January with the sentencing of Moeketsi Israel LESIA and Peter Parks Tebogo DITSEBE.

The two men had been in custody since February 1986 when they were detained between Gumtree and Clocolan in the Orange Free State. They were originally charged with membership of the ANC, undergoing military training and establishing arms caches. However, the first charge was dropped in December after they pleaded guilty to the following offences and were convicted accordingly. Lesia admitted burying an AK47 automatic rifle plus ammunition in the cemetery of one of Bloemfontein's black townships. Ditsebe said he had undergone military training in Angola, the German Democratic Republic and the Soviet Union. He also admitted establishing an arms cache near Ficksburg which contained three automatic weapons, 10 hand grenades and ammunition. Lesia was sentenced to three years and Ditsebe to 10 years. (NN 29.1.87; *Work in Progress*, February '87)

### LUGULWANA AND OTHERS

Six people charged in connection with furthering the aims of the Pan-Africanist Congress have been acquitted in the Cape Town Regional Court. They were Bathemba Bethwell LUGULWANA, Mzwandile MCITEKA, Donald MXUTU, Simon MAYHOWELENE, Taelo NTLABA and an unnamed youth of 17 years. The seventh accused, Andile GUSHA (23) of Guguletu, was convicted and remanded for sentencing on 10 April.

The trial began in May 1986 (see *FOCUS* 66 p.5) and by July all the defendants except Gussha had been granted bail. The authorities opposed his application on the grounds that he had made a confession while in custody. His defence counsel challenged this statement, stating that he had made it under duress. The court heard how a group of detainees, including Gussha, Ntlaba and the youth, were brought by van from East London to Cape Town. En route police stopped the vehicle while going over the Bloukrantz Bridge and threatened to throw the youth into the river. Gussha said he had been assaulted and feared for his life while in detention.

On 27 March Gussha was convicted on two charges under the Internal Security Act – of 'terrorism' and furthering the aims of the PAC. A member of AZANYU in Bonteheuwel, he was arrested after attending the funeral of a PAC member at Lady Frere in the Transkei bantustan at which PAC leaflets were allegedly handed out. The state alleged that he had sought advice on how to leave the country for military training. (DD 24/26.7.86, 24.9.86, 28.2.87; CT 24.7.86; S 26.9.86, 19.2.87)

### MAZIBUKO AND OTHERS

Six former COSAS members held in custody since June 1985 after a series of hand grenade blasts were sentenced to effective prison terms of 16 months (three years with 20 months suspended) in the Pretoria Supreme Court on 27 February. Joseph Titus MAZIBUKO (19), John MLANGENI (22), Samuel LEKATSA (20), Humphrey TSHABALALA (19), Johannes Veli MAZIBUKO (18) and Cedric DLADLA (19) were all maimed in the blasts. Hosea LENGOSANE (21) who suffered brain damage had the whole of his sentence suspended for three years. (*FOCUS* 68 pp.6-7)

The sentences came after the prosecution agreed to accept not guilty pleas on the more serious charge of 'terrorism' that the youths faced. All seven then pleaded guilty and were convicted of the illegal possession of one hand grenade each. In addition Lengosane and Dladla were convicted of the attempted murder of a policeman and his family; Lekatsa, Tshabalala and Johannes Mazibuko were convicted for attempting to maliciously damage the house of David Namane, and Joseph Mazibuko and Mlangeni were similarly convicted in connection with an attack on the house of Steven Namane.

The bulk of the evidence in the trial concerned the violence perpetrated in Duduza during 1985 by police and vigilante groups linked to them. The judge accepted this evidence in so far as he found that 'certain specified policemen' and vigilantes were responsible for attacks on political activists' homes. The defence named three policemen it said had been accused of complicity in the murder of the Thobela sisters, COSAS members whose house was petrol-bombed. One of them denied in his evidence that he had threatened Joseph Thobela, the girls' father, that 'this year won't end before I bomb you.' Steven and David Namane were both accused of involvement in the death of another activist, Alexander Pailane. Pailane's mother testified saying she was too scared to report his murder to the police. (*FOCUS* 60 p.8)

The identity of the men who provided the youths with booby-trapped hand grenades which exploded prematurely was never determined in the trial. One state witness first said they were ANC members and then retracted and said they were policemen. In his judgement Justice Stafford said, 'whether the hand-grenades were supplied by amateurish sympathisers or antagonistic enemies of the accused, the seven took the law into their own hands by taking explosives to commit acts of retribution against their enemies.' He accordingly refused the defence's request for a wholly suspended sentence.

Justice Stafford told the defendants they might be able to sue for damages if they had not received the correct treatment for their injuries during their period in detention. They were given no artificial limbs and medical evidence indicated that dead nerve endings might prevent these being fitted at this late stage. (Star 18.11.86, 12/21/27.2.87, 3.3.87; S 9/13/25.2.87, 2.3.87; CT 25.2.87; CP 8.3.87)

### McBRIDE: DEATH SENTENCE

At the beginning of February Robert John McBRIDE (23) and Greta Margaret APELGREN (30) went on trial in the Pietermaritzburg Supreme Court amid tight security. Brown paper covered all the windows, armed guards patrolled and all visitors to the public gallery had to submit to body searches. McBride, a student teacher, and Apelgren, a social worker with the Durban Child Welfare Society, faced charges of murder, attempted murder and 'terrorism' arising out of the ANC's armed struggle. In spite of an early appeal by defence counsel for all evidence to be heard in open court a degree of secrecy surrounded the case. The bulk of the evidence against the two defendants came from former associates held in detention and persuaded to testify in return for immunity from prosecution.

The two main charges arose from the daring release of captured ANC combatant Gordon Webster from Edendale hospital in May 1986, and a bomb explosion in Marine Parade, Durban the following month in which three women died. McBride submitted an affidavit to

the court in which he admitted helping Webster to escape, sheltering him and subsequently taking him to Botswana. He also admitted shooting at an armed policeman whom he thought was going to shoot him. Two policemen guarding Webster who suffered minor wounds in the escape told of hiding while the patient was wheeled out of the ward by McBride and his father. A state witness admitted under cross-examination that nurses and other people at the hospital cheered and encouraged the McBrides in their task.

McBride denied shooting hospital guard Mlungisi Buthelezi who was killed during the escape and the judge accepted that there was no evidence before the court which linked him directly with that offence. So as to help the court to decide on McBride's role, Justice Shearer agreed to a defence request that evidence be taken from Gordon Webster. Defence and prosecution lawyers travelled to London where Webster testified before a commission specially constituted in accordance with the procedure allowed for in the Criminal Procedure Act.

Three alleged accomplices gave evidence – Mr A, B and C. Mr B admitted co-operating with the police in order to avoid imprisonment while Mr C said that he feared being hanged – he had participated in both Webster's escape and the Marine Parade bombing. Another witness also giving evidence after the duress of a long period in detention was Apelgren's younger sister, Jeanette. She had been held since the first day of the current emergency, 12 June, first as an emergency detainee and later under the Internal Security Act. She described herself as a supporter of the ANC's goals but an opponent of violence. Her evidence linked McBride to an explosive device planted in the Pinetown Parkade car park in May 1986 and also described trips to Botswana with the defendants and Webster.

McBride gave evidence in his own defence and refuted many aspects of the evidence, especially that of Mr C who had been accused by defence counsel of minimising his own role in the Marine Parade bombing. He conceded that he had done so because he was frightened that people injured in the blast might take revenge on him. McBride said that he planned the explosion in protest at the State of Emergency imposed two days earlier. He wanted a massive explosion which would be too big for the authorities to conceal and first chose a hyperama in West Street, Durban, which had plate glass windows. He agreed that at the time he was not concerned about possible loss of life but maintained that the eventual target, opposite the veranda of Magoo's Bar, was the choice of Mr C. Under cross-examination Mr C admitted suggesting a hotel as a target, saying he did so to impress McBride and because he was angry at the State of Emergency and what the police were doing. In the rest of his evidence he sought to show that he had only carried out armed actions out of fear of McBride and desire for monetary reward.

McBride said he felt 'bad' and 'scared' after the bombing because he had ignored the ANC policy of avoiding civilian casualties. He believed he had 'gone beyond the confines of the organisation.' He stated that Apelgren, who had saved the men a parking space outside the hotel, did not know about the car bomb until after it had been set. He denied that she belonged to a combatant unit. Apelgren herself did not give evidence.

Evidence in mitigation concentrated on the deplorable conditions in Durban's Coloured townships of Wentworth and Austerville which



had contributed to the defendants' politicisation. McBride told of being on the SRC at Bechet Teacher Training College which held a boycott in 1985 to protest that in the 30 years since its opening it had never had a permanent building while an equivalent white facility was half empty.

When judgement was delivered on 7 April Apelgren was acquitted on all counts relating to the promenade bombing when the judge ruled that there was no evidence she knew of the plan beforehand. Her reaction was 'consistent with shock, perhaps horror'. She was also acquitted of the murder and attempted murder charges but was later sentenced to five years (of which all but 21 months was suspended) for assisting in Webster's escape and reconnoitring targets for action.

On 13 April McBride was sentenced to death three times for the Marine Parade bombing. He was also given a total of 82 years' imprisonment for various acts of sabotage and for the part he played in the rescue of Webster. He was acquitted of Buthelezi's murder. The sentence was delivered by a majority verdict — one assessor dissented and in a minority judgement found that there were extenuating circumstances which reduced his moral blame-worthiness. One reason given was that McBride's original intention had been the destruction of property, not murder, but his accomplice turned state witness, Mr C, had persuaded him to change his target. At the end of the trial the judge refused to grant immunity from prosecution to Mr C.

McBride was granted leave to appeal and his lawyers declared they would do everything possible to save his life as the Marine Parade bombing was 'out of character'. Apelgren's brother said McBride saw himself as 'a soldier, fighting for his people. The Trojan horse incident and the Langa killings had a deep effect

on him. He saw the State of Emergency as a declaration of war on his people (*DN/DD/Star/S/CP/CT/WM/Nam Feb-April 1987*)

## PATEL

Vijaydave Naran PATEL (41) was sentenced to an effective prison sentence of five and a half years in the Johannesburg Regional Court on 24 March. He was convicted of being a member of the ANC, participating in its activities and possessing a banned publication, 'No to Conscription into the SA Death Force! Yes to the People's Army - MK'. Patel was also charged with undergoing military training in the German Democratic Republic and Angola but was acquitted of this, even though an unnamed state witness, described as a former ANC military instructor, gave evidence of seeing him in a camp in Angola.

Patel had spent most of his adult life outside South Africa, in Britain and Australia. He left initially in 1965, only returning briefly in 1977 and then again in 1985. He allegedly tried to recruit people to the ANC between February and December 1985 and was found in possession of the publication in May 1986. (*Star/Cit 30.12.85; Star 19/20.3.87; S 25.3.87*)

## CONTINUING

### BALEKA AND OTHERS

The treason trial of Patrick BALEKA and 18 others was interrupted in March by a legal argument over one of the two assessors hearing the case in the Delmas Circuit Court alongside Justice Van Dijkhorst.

The controversy arose during the evidence of Morake Petrus MOKOENA, the fourth of the defendants to take the witness stand. Mokoena was being questioned about the UDF's Million Signature Campaign which was launched in

opposition to the new constitution and the three 'Koornhof' Bills. Professor W A Joubert, a founder member of the Progressive Federal Party, a former parliamentary candidate and a respected legal academic, revealed to the judge that he had signed the petition.

Joubert was summarily ordered to recuse himself on the grounds that the campaign was a significant factor in the state's case. Without discussion with the defence or prosecution, but apparently after consultation with the Judge President of the Transvaal, Van Dijkhorst also decided the trial should continue with only one assessor. This may be a unique occurrence in a case where the second assessor has not died or become otherwise incapacitated. Furthermore, he refused the defence an adjournment to consider the legal position and Mokoena's evidence continued.

On 20 March defence lawyers lodged an application for the trial to be stopped, stating that the court was no longer properly constituted. The action was supported by affidavits from the accused and Professor Joubert and called alternatively for the removal of Justice Van Dijkhorst and W F Krugel, the remaining assessor. The defendants noted indications that Krugel would be prejudiced against them — he was a member of the Broederbond and, in his capacity as a magistrate, acted as liquidator for a number of organisations banned in October 1977. Some of the accused had belonged to those very organisations.

Justice Van Dijkhorst responded to the application on 30 March in a statement denying any bias on his part or that of Krugel. When the defence sought to submit an additional report from Joubert answering the judge's comments, counsel was warned against possible contempt of court. Van Dijkhorst subsequently dismissed the application. (*DD/S/Star Feb, March 1-3.4.87; GN 4.4.87*)

## HUNDREDS OF TRIALS IN PROGRESS

Hundreds of trials arising out of the suppression of resistance began in the period under review, according to press reports.

The Johannesburg *Financial Mail* pointed out that the trials reported in the newspapers were the tip of the iceberg. Lawyers interviewed by the papers were overwhelmed by work from trials developing out of resistance to the apartheid state: 'a firm of attorneys contacted by the paper says it handles around three such cases a day at Sebokeng, Daveyton, Boksburg, Heidelberg and even Theunissen.' The same firm was also handling cases being heard in courts in the Eastern Cape and appeals on behalf of township residents who were convicted in magistrates' and regional courts. (*FM 6.3.87*)

Another newspaper related the increased activity in the courts to the approaching white election: '... scores of pre-election political trials' were underway and 'hundreds more could be brought to court as the government gears up for the 6 May elections.' (*NN 5.2.87*)

One attorney told a Johannesburg newspaper that her firm was handling five political cases a day, while another said he and his partners had handled 30 political cases each month since last September. A third said that his firm expected to handle more cases of public violence this year than last, when they dealt with between 750 and 1,000 cases. This was because statements had been taken from many emergency detainees which it was felt would be used in subsequent trials. (*NN 5.2.87*)

The full scale of courtroom activity in the opening months of this year becomes apparent when it is understood that there are many trials involving unrest-related charges like public violence in which the accused are not legally

represented. According to a Black Sash monitoring group in the Western Cape many 'small-town' lawyers refuse to handle political cases so that 'hundreds of public violence and related cases in rural areas may go undefended'. (*NN 12.2.87*)

'The accused [in such cases] are often without legal representation, tried in areas far from public and media gaze ...; and while proceedings are usually open to the public, many [such trials] ... take place in semi-rural areas far from the main centres of information'. As a result of this and 'the government-imposed silence' there can only ever be a 'partial focus' on the vast majority of political trials. (*WM 20.3.82*)

### PUNISHMENT BY TRIAL

Figures issued in February by the Ministry of Justice indicated that in the year ending 30 June 1986 there was a 41 per cent conviction rate in public violence trials compared with 56 per cent the year before. The number of prosecutions rose nearly four times to 3,972 from 1,003 in the period 1984-5. The fall in the conviction rate combined with a quadrupled number of prosecutions reinforces the view (previously reported in *FOCUS 64 p.7*) that the state has increasingly used the judicial process as a means of harassing its opponents by engaging them in what one paper called 'a prolonged, traumatic experience'. According to the Black Sash report, this involved frequent brutality and torture during questioning and while awaiting trial, deliberate delays in the preparation of charge sheets, use of bail conditions to harass, denial of bail as a punishment, loss of schooling and jobs, loss of wages, heavy travelling expenses to and from court, and physical and mental ill-health. (*WM 20.3.87*)

### EASTERN CAPE: YOUTHS JAILED

Seven youths each received 18 year prison sentences in the Port Elizabeth Supreme Court on 23 March after being convicted of the murder of a policeman in the Port Elizabeth township of Soweto in April 1985. According to medical evidence led in mitigation all those sentenced were aged 16 or 17 at the time the policeman was killed.

Those jailed were Mzimkulu Sisa MJADU (19), Samson KOLWENI (19), Thembinkosi Elvis MATANI (19), Aubrey Monele ZAMXAKA (19), Khayaletu FESTILE (18), Zamxolo Patric MFIHLO (18) and one not named.

Three other defendants were acquitted after defence lawyers were able to show that the evidence of several state witnesses was inconsistent and contradictory. This was, they said, because in the period in question 'several policemen' had been killed in the same area, all by the same 'necklace' method. Different incidents had become confused.

Earlier the judge had described all the police witnesses as 'responsible, reliable and honest'. He had also ruled that statements made to the police by the accused were admissible, despite claims by the defence that they had been extracted by the use of force and despite his own criticism in court of a Port Elizabeth magistrate for failing to investigate an allegation by Mjadu that police had assaulted him.

The judge dismissed defence arguments that the accused had acted from political motives and that they had been swept along on a tide of popular anger at the injustices of the apartheid system. Their association with the

*continued on p.8*

## YOUTHS JAILED

*continued from p.7*

UDF 'was not mitigation [of their offence] but rather aggravation.'

An application by the defence for leave to appeal was refused. (CP 8.3.87; DD 13/21/24.3.87)

## NGOYI AND FOUR OTHERS

On 6 March, twenty one months after a killing outside his home in Kwazakele, Port Elizabeth, a prominent UDF leader in the Eastern Cape, Edgar NGOYI (63), was acquitted of murder, along with Lulamile Cyril MKALIPI (22). An unnamed youth aged 17, who had admitted his part in the killing of a man named Nogwaza, was convicted and jailed for 14 years. Two others, Fumanekile SIYONI (24) and Xolisile PETE (21), were found guilty of assault and sent to prison for two years. (In previous reports these last surnames were spelt as SIYANI and PHETHA.)

On his acquittal Ngoyi, a former Robben Island prisoner who served 17 years for ANC activities, was immediately rearrested under the emergency regulations and returned to custody, where he had been held since last June under the same regulations. Before that he had been held for 198 days awaiting bail on the murder charge.

The State alleged that Nogwaza, who visited Ngoyi on 8 June 1985 (supposedly to seek his help after rumours had implicated him in an arson attack on Ngoyi's home the previous day), was killed on Ngoyi's orders by youths guarding his house.

Earlier in the hearing, on 9 February, defence lawyers secured the discharge of three of the remaining eight defendants because of lack of evidence against them: Eunice Tenyiwe NGOYI (58), Steven Qwelela DZEDZE (30) and an unnamed boy aged 15. But the judge rejected the discharge application made on behalf of Ngoyi and Mkalipi on the grounds that evidence against them could emerge when the defence presented its case and because Mkalipi had made a statement that he was in charge of the group of thirty or so who volunteered to guard Ngoyi's house after it had been petrol bombed on 1 May and 6 June.

In fact, defence witnesses confirmed Ngoyi's own evidence that at the time Nogwaza was killed he, Ngoyi, was in a neighbour's house taking a telephone call. One said that in Ngoyi's absence those who were gathered outside his house became angry because they recognised the man waiting in Ngoyi's home to see him as the petrol bomber of the previous day. Some were convinced that on Ngoyi's return from his neighbour's he would be attacked by Nogwaza, so they decided to abduct him and kill him. (FOCUS 68 p.7; DD 10/13/19.2.87; 6/7.3.87; Star 13/27.2.87; NN 26.2.87; WM 6/13.3.87; BBC 11.3.87)

## MOTAUNG AND OTHERS

The long-delayed trial of eleven people accused of beating and burning a woman suspected of being an informer in July 1985 has opened in the Pretoria Supreme Court. They are charged with the murder of Rosaline Maki Skhosana at a mass funeral at Duduza of four people who were said to have been killed by police near her home after she had informed on them.

The accused include a 15 year old girl named in one press report as Priscilla MOREME, a 15 year old boy (the only defendant to have been denied bail) and a 23 year old woman, Lydia MOKOENA, whose doctor insisted that she be allowed to bring her six day old baby to court because it was being breastfed.

The remaining defendants are three women - Matlakala Elizabeth MOTAUNG (27), Sannah

TWALA (22) and Loraine Zanela SOBUZI (31) - and five men: Solomon MOTSOAGAE (28), Linda Alexander HLOPHE (26), Jacob TSHABALALA (21), Phineas MASEKO (31) and Daniel MBOKWANE (21).

They learned of the State's decision to charge them with murder as long ago as 23 July last year, but it was only on 11 March that the trial began in the Pretoria Supreme Court.

When the State proposed to show a South African Broadcasting Corporation video film of Skhosana's death the defence objected. They disputed its originality, authenticity and accuracy, because it was an edited version of film taken by two separate cameras which 'could distort the sequence of events.' The judge ruled that 'as long as it was relevant to the case' the video material was admissible - despite 'the inherent dangers'.

Under cross-examination a State witness who had attended the funeral and who had implicated three of the accused in Skhosana's death admitted that he and others who had been detained for questioning within three days of the incident had been deprived of food and beaten with sjamboks and batons by uniformed white men at the Dunnottar police station on 23 July. 'We were made to stand in lines and lean forward and beaten severely on the back. We were all crying.' A woman who had been struck in the eye with the butt of a firearm was bleeding and screaming. When they were taken to a cell those already in custody said that the police had refused them food.

The policeman in charge testified that he did not investigate bruises on Sobuzi's face or complaints of assault made by the accused youth because he did not believe that policemen were responsible. He also denied pushing a torch into Mbokwane's mouth with such force that it cracked his teeth.

Five of the accused admitted kicking and assaulting the dead woman, but all eleven have pleaded not guilty to murder. (FOCUS 61 p.5; Star 24.7.86; S 10-27.3.87; DD 13.3.87)

## MORE TRIALS AT ZOLANI

According to figures quoted in Parliament in February, 50 residents of the rural Western Cape township of Zolani faced charges arising from their resistance to the repressive actions of police, soldiers and vigilantes. In February and March a further 43 residents appeared in court in three trials arising from similar resistance in April and May 1985. (CT 9.2.87)

On 23 March heavy jail sentences were imposed on eight people convicted in the Supreme Court of the attempted murder of a woman who was the wife of a vigilante. In December 1985 her evidence had led to the jailing of a Zolani man for eight years on an arson charge. The wife of the jailed man, Phyllis Notutuzelo FANTE, was sent to prison for 15 years, while Andile TYEMELA (25) received a sentence of 12 years; Powo LIBALELE, Melphin MKHOLI and Thozamile MANA ('all approximately 20 years old') and Lolile KLAAS (17) eight years each; and Phillip MATOTI (19) and an unnamed youth (16) six years each.

In passing sentence the judge dismissed mitigating testimony from a former local advice office worker about vigilante terrorism in Zolani as '99 per cent hearsay'. (FOCUS 68 p.8; CT 24.3.87)

In another case previously reported in FOCUS the remaining 30 of 121 Zolani residents originally charged with public violence were acquitted because the state had no evidence to offer. They were arrested in May 1985 during clashes with police and vigilantes. Those discharged in February included Nobantu Gertrude MAGOQOZA and members of the local Civic Association. (FOCUS 68 p.8; WM 6.2.87)

Substantial evidence of collusion between

police and vigilantes in Zolani was produced in the Supreme Court in March by a lawyer acting for four convicted men. A former Zolani community council chairman, Timothy TYHALISI-SU (39), Samuel MANGCOLA (29), Charles MSOKI (45) and Lemi MHLLOMI (25) were found guilty last year of stoning the house and car of a vigilante in April and were due to be sentenced in March. A police warrant officer was said to have congratulated vigilantes who had stoned a house and set it alight, while on other occasions policemen stood by and watched assaults or arrested those named by vigilantes. Police declared a curfew imposed by the vigilantes as 'not illegal'. The hearing was postponed to April. (CT 4/13.3.87; NN 5.3.87; Star 13.3.87)

## WESTERN CAPE: PUPILS JAILED

There have been indications for several months of growing anger in the Western Cape at the prison sentences handed down to children and youths convicted of public violence. This anger was translated into organised public activity in a number of cases.

Campaigning on behalf of such youths began last year when Bradley VAN NIEKERK, an 18 year old Cape Town high school pupil, was jailed for one year after being convicted of throwing stones at a policeman. After his appeal to the Supreme Court was lost, a petition to the Chief Justice was launched by a 'Save Bradley from Prison Committee'.

In a passing reference to the campaign last November a Cape Town newspaper described it as 'successful'. When the appeal of another Cape Town school pupil, Gregory Harold ARTHUR (19), against a four year prison term for stoning a policeman resulted last October in a reduction of sentence to only 18 months, a similar campaign was organised around a petition to the Chief Justice. Twenty five thousand people signed but it was nevertheless rejected. Arthur began his sentence on 2 February, accompanied to the gates of Pollsmoor prison by his mother and teachers and pupils from his school. (CT 4.11.86)

Thirteen other Cape Town school pupils, one of them aged 12, appearing in three separate cases, were also given jail sentences for public violence arising from stone-throwing in 1985. The appeal of the youngest against conviction was upheld in the Supreme Court in February and the sentence on another was postponed indefinitely. However a two year sentence on a third pupil in the same case was upheld, along with one year sentences on six more. The press report described most of those whose appeals were rejected as 'boys and girls' rather than youths. By the end of February their parents had announced that they would be petitioning the Chief Justice about the sentences. (WM 20.2.87; NN 26.2.87)

Michael CARSTENS (18), a Bonteheuwel pupil, was refused leave last December to appeal against his one year sentence but the Supreme Court granted him leave to petition the Chief Justice. Pending the result of this he was released on bail from Pollsmoor prison where he had served the first five days of his sentence.

An unnamed Belhar Senior Secondary School pupil aged 17 was also released on bail in February pending the submission of a petition to the Chief Justice. The Supreme Court had earlier upheld a one year sentence imposed last year in the Goodwood Magistrates' Court. The youth was found guilty of stoning police and passing cars in October 1985. The police said that even after he had been wounded by one of their bullets he had stood his ground and danced 'defiantly' in front of them. (CT 9.2.87)



## POPULATION CONTROLS INTENSIFIED

With the passing of the *Restoration of Citizenship Act* in July last year, the residents of the four nominally 'independent' bantustans – Transkei, Bophuthatswana, Venda and Ciskei (TBVC), were subjected to new restrictions on their freedom of movement. The legislation followed government statements, in the course of 1985, that South African citizenship would be restored to those who had lost it, when the bantustans to which they were assigned were declared 'independent'. Between 1976 and 1981 an estimated nine million people had been deprived of their citizenship in this way. (*Star* 11.7.86)

The act, however, restored citizenship to only a small number of people. A memorandum released by the Department of Home Affairs in July stated that only those residents of the TBVC bantustans who were 'permanently resident' outside their boundaries would qualify for the return of their citizenship. In a follow-up press conference, the term 'permanent residents' was more closely defined. Only the following categories would be eligible for the newly issued identity documents, which have replaced the old passes:

- those born outside their assigned bantustan before it became 'independent' and permanently resident outside it;
- those born outside the bantustan after its 'independence' who had lived outside it permanently since birth;
- those who had lived outside the bantustan for five years since 'independence': one period of a year's unbroken residence, plus an additional four years. (*Star* 25.7.86)

There were further qualifications. The people affected had to have left the bantustans

lawfully, to have had a suitable home and lived out of the bantustan *permanently with their wives and children*.

Various acts including the Group Areas Act restrict the place where Africans may lawfully reside outside the bantustans to a house approved by a local authority – usually as tenants of officially approved family housing, as registered lodgers or as residents of approved squatter camps. The drastic shortage and overcrowding of existing housing has for some time restricted the number of people qualifying for legal residence, forcing most new workseekers into illegal squatting.

The stipulation that only those who have lived permanently outside the bantustans with their wives and children qualify under the act, automatically prevents contract workers, residents of hostels and commuters from the TBVC areas from regaining their citizenship.

An estimated nine million people are deemed to be citizens of the TBVC bantustans. Only 1,751,400 are expected to meet the strict criteria under the act (less than one fifth). The remaining 5.75 million ordinarily reside inside the TBVC boundaries or are otherwise disqualified from a claim to permanent residence rights. Under the act all these people remain subject, like workers from South Africa's neighbouring states, to controls contained in the *Aliens Act* of 1984 and will require special permits to work outside the bantustans. Employers taking on 'alien' workers illegally are liable to stiff penalties – a R5,000 fine or two years imprisonment. Workers themselves face a fine of R600 or six months' imprisonment, followed by removal from the area. (*Star* 25.7.86)

### NEW CONTROLS ENFORCED

In the months following the passing of the act the government began a drive to register 'alien' workers. Employees were sent letters by the Department of Home Affairs asking for par-

ticulars of 'alien' employees including their addresses, temporary residence permit numbers, 'nationality', date of employment and occupation. In August it was reported that people had been arrested for failing to renew their visitor's permits. At the end of that month it was revealed in Parliament that in the two years before the passing of the act the Department of Home Affairs had already requested particulars of 'foreigners' in 365 firms. It was not clear from these figures, which include citizens of South Africa's neighbouring states and further afield, how many residents of TBVC bantustans have been affected. But when, in March 1987, figures for the arrests of suspected illegal immigrants were announced, the Minister of Law and Order indicated that people from the Transkei and Bophuthatswana bantustans were among the 19,966 affected. (*S* 8.8.86; *CT* 26/29.8.86; *BBC* 11.3.87)

Residents of the remaining (non-'independent') bantustans benefitted in certain respects from the scrapping of conventional influx controls in July 1986 (See *FOCUS* 65 p.8). Under the *Abolition of Influx Controls Act* they were free to seek work in the areas outside the bantustans but subject to the availability of approved housing. The Act tightened the provisions of the *Prevention of Illegal Squatting Act* and the *Slums Act*, increasing the powers of local authorities to demolish illegal squatter camps and to transfer their residents to resettlement sites elsewhere. The *Trespass Act* continues to be used. The Act provides for the prosecution of people living on property without permission of the lawful owner.

Since July 1986 there have been several reports of the demolition of illegal squatter camps and the arrest of their occupants under the trespass laws. (*CT* 3.12.86) During 1986, 95,384 people were arrested under the Trespass Act – the highest figure since 1983. (*FM* 15.8.85; *S* 10.3.87)

## BANS AND BANISHMENTS

Under the emergency regulations the government should say how many people have been restricted on their release from detention under the emergency. However, in February the Detainees Parents Support Committee (DPSC) said that several hundred people had been restricted by the end of 1986, although only 76 names were known to them. The UDF said last December that a hundred of its activists had been restricted since June. (*Southscan* 9.12.86; *BBC* 9.2.87)

### EMERGENCY RESTRICTIONS

By March the press had reported the restriction of 59 people and a further 14 unnamed. Nine more emergency detainees have been reported restricted on their release, in addition to those reported in previous issues of *FOCUS*. On 30 October Anne BURROUGHS (End Conscription Campaign (ECC) and Black Sash), Melissa DE VILLIERS (ECC), and Jean BURGESS were released from prison in the Eastern Cape and banned from participating in the activities of certain organisations. In November three Black Sash members released from detention in the Eastern Cape – Louise VALE, Priscilla HALL and Sandy STEWART –

were banned from participating in Black Sash activities. (*Sash*, November 1986; *Star* 1.11.86)

In February 1987 two women – school students at Krugersdorp and both pregnant when detained – were restricted on release. Penelope MOSETLE (18), detained in October, was released in February, several days after giving birth. Dorcas Nomvula DIKANA (21) was due to give birth when she was released in February. Both were banned from taking part in the activities of certain organisations, encouraging boycott actions and participating in 'people's courts'. (*S* 16.2.87; *DD* 3.3.87)

Father Peter HORTOP, a Roman Catholic priest detained for eight months, was restricted on his release on 27 February. He is banned from entering schools and from attending meetings of the UDF, COSATU or the Young Christian Workers, until 31 August. (*NN* 5.3.87)

A further 21 people were reported restricted by police orders in December. They include 12 unnamed ECC members, prohibited from participating in ECC activities; two UDF executive members, Azhar CACHALIA (national treasurer) and Ashwin SHAH, banned from participating in specified campaigns of the UDF and specified affiliates; two DPSC members, Audrey COLEMAN and Jill POINTER; Athene LOWRY and Jessica SHERMAN of Johannesburg; and Ismail MOHAMED, chairman of the Anti-President's Council Committee (APC). (*Star* 3.12.86; *Ind/GN/S* 4.12.86; *NN* 11.12.86)

### TRANSKEI BANTUSTAN

● A Catholic priest from the United States was expelled from the bantustan on his release from detention in March. Father Casimir PAULSEN, who had lived there since 1978, spoke when he arrived in Zimbabwe of being tortured in detention. (*DD* 13.3.87; *FOCUS* 69 p.5)

● Six friends and relatives of Batandwa Ndonga, a community worker killed by police in Cala in September 1985, were in March served with banishment orders by the bantustan authorities for a second time, after they had successfully contested earlier orders banishing them to a village in the bantustan. These orders, served shortly after Ndonga's death, had never been effected. In March four of the six were reported to have moved in accordance with the orders. Dumisa NTSEBEZA, a civil rights lawyer from Umtata, was banished to the Tsolo district, while three others, all workers at a bookshop in Cala, were each banished to villages in different areas – Victor NGALEKA to the Centane district, Meluxolo SILINGA to the Umtata district and Zingisa MKHABILE to the Nqamakwe district. The other two, Lungisile NTSEBEZA and Mondvi MVIMBI, had not complied with the banishment as they were outside the bantustan at the time. (See *FOCUS* 62 p.11, 68 p.5; *NN* 5.3.87; *WM* 13.3.87)

● Peter WAKELIN, the director of the Institute of Management Studies detained on 10 October, was released in March. (*City Press* 15.3.87; *FOCUS* 68 p.5)

# DETENTIONS

## HOW MANY DETAINED?

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in monitoring detentions (*DD 12.3.87*)

In February, when Parliament reopened after a recess, the Minister of Law and Order tabled a list of 3,857 names of people detained for 30 days or more under the Emergency. In September last year before the recess he tabled two similar lists with a total of 9,387 names. There is no obligation on the government to publish the names of people held for less than 30 days, and it has refused to do so. Monitoring groups have

however collected the names of short-term detainees and their estimates take these into account.

● **Detention under other laws** The police have continued to use powers under other laws to detain people: both the Internal Security Act and laws in force in the bantustans. The central government refuses to disclose how many people are detained in the 'independent' bantustans, but in February gave

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Nov. '86	Pietermaritzburg	CHONCO, Thembeni Gloria	ISA 29
10.11.86	Pietermaritzburg	MKHIZE, Moffat	ISA 29
Dec. '86	Mdantsane, Ciskei	FAKU, Newell	Former member, Mdantsane Committee of Ten
Dec. '86	Mdantsane, Ciskei	MAMPUNYE Mzwandile	Former chair, Mdantsane Committee of Ten
22.12.86	Transkei	NLANJENI, Bejile (20)	TPSA 47
23.12.86	Durban	SANGWENI, Nomgcobo Beatrice	ISA 29
6.1.87	Durban	MKHIZE, Ian (29)	ISA. Church Education Programme Organiser, Diakonia
12.1.87	Umtata	GWAGWA, Nolulamo	Town planner in bantustan administration
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6.2.87	Durban	MGODUSO, Simphiwe (28)	ISA 29. Research asst. Durban Legal Resources Centre
12.2.87		SELLO, Ntai	ISA. Gen. Sec. SARHWU
17.2.87	Roodepoort	KODISE, Peter	Key witness in bribery case against local mayor
18.2.87	Hammanskraal	KEKANA, Lucas	BTH strike. Rel.4.3.87
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# MORE LAND UNDER BANTUSTAN CONTROL

Four and a half million hectares of land and all the people occupying it were transferred to the control of bantustan administrations on 31 December last year. The action, which drew little comment in the press, was effected by a series of proclamations published in the *Government Gazette*. This followed a move by the government to greatly increase the repressive powers of the non-'independent' bantustans, amid re-affirmations of their key role in its constitutional plan for a federal state. (*FOCUS 65 p.5; IDAF Briefing Paper No.22*)

The changes have several implications, including increasing the power of the apartheid regime to repress political opposition. Large numbers of people who have been forcibly removed occupy the transferred land, and will now be administered by authorities which have been given even greater powers of forced removal than the central government had.

Although the labour bureaux in the non-'independent' bantustans were abolished in 1986, there are new provisions for these bantustans to control the supply of labour for employment outside the bantustans. If the bantustans involved are made 'independent' in the future, then people living on the newly incorporated land will lose South African citizenship and become subject to the harshest aspects of the regulations under the new pass laws. (*See POPULATION CONTROLS INTENSIFIED*) A Constitutional Laws Amendment Bill published in October 1986 contained proposals which, if adopted by Parliament, will take this process still further. A memorandum published with the bill envisaged the 'autonomy' of the bantustan authorities increasing, in line with policy statements earlier in the year projecting the bantustans as regional authorities in a future federal constitution. (*Cit.9.10.86; IDAF Briefing Paper No.22*)

## POWERS OF REPRESSION

A Proclamation by the State President in February extended the powers given to the non-'independent' bantustan authorities in March 1986. As a result of these changes and the earlier changes in 1986, the non-'independent' bantustans will control almost all aspects of the administration of the areas assigned to them. The new powers were to come into operation at various dates, and some have still to be imple-

mented. Excluded from their authority are military matters, the control of the regular police force, relations with other governments, communications, telecommunications and broadcasting and the raising of loans.

Their enhanced status includes the power to restrict and ban organisations, meetings and people, to restrict people to particular areas and to forcibly remove them to others. Other matters include: education (other than university education); economic and industrial planning and activity; the division of the population into administration units; the appointment of officials; the establishment, maintenance and administration of townships; the establishment and control of prisons; and control over the movement of people not assigned to the bantustan by the central government. (*GG 31.3.71; 14.3.86; 6.2.87*)

## TRANSFER OF LAND AND PEOPLE

The March 1986 proclamation stated that 'land matters' were included in the transfer of authority. A government official explained that this meant bantustan authorities could now decide 'in what way, and to whom, the land will be awarded and how it will be utilised'. This particular power was brought into operation in the areas covered by the six bantustans of Lebowa, Gazankulu, Kwazulu, Kangwane, Qwaqwa and KwaNdebele on 31 December last year by a Proclamation of the State President. Other proclamations listed land, totalling 4.5 million hectares, where ownership or control was being transferred on 31 December.

By this action all those who lived in the transferred areas came directly under the bantustan administrations. Previously they had fallen under a variety of administrations, but principally under the South African Development Trust. The trust was established by the 1936 Land and Development Trust Act which fixed at 13 per cent the portion of the country allocated for African occupation. Under the bantustan consolidation proposals of 1975 and subsequent years, Trust land was scheduled for incorporation into bantustans. Many of the people who were forcibly removed were relocated on Trust Land. Other areas of land incorporated by the recent proclamations were administered by the Department of Education and Development Aid (formerly Cooperation and Development) or by the provincial authorities. Other areas transferred were occupied by squatter communities - one example is that of Inanda with an estimated population of more than five hundred thousand people.

The new powers have been given to the non-'independent' bantustan administrations at a time when they face resistance on a scale not seen for many years. (*See IDAF Briefing Paper No.22*). Ultimately repressive powers in these areas lie with the South African Defence Force and the regular South African Police. However local bantustan police forces have also been formed and have taken on an increasingly active role in suppressing opposition. In addition in some areas - for example the KwaNdebele and Kwazulu bantustans - there are semi-official armed forces under the control of the authorities. (*See FOCUS 63 p.3, 69 p.3*)

The activities of the Lebowa bantustan police were revealed in evidence given at inquests into the deaths in detention of three activists during 1986. They have participated in joint operations with the SADF and SAP, including the armed occupation of the University of the North. (*See DETENTIONS and POLICE AND ARMY UNDER PRESSURE*)

During March the Kwazulu authorities asked the central government to grant them control over the police stations in the bantustan area, in which the Kwazulu bantustan police operate. It was reported that the transfer had already been agreed. The decision was criticized by anti-apartheid organisations in Natal, in particular the UDF, which said that the bantustan police had sided with Inkatha in attacks on other organisations in the townships. (*DN 10.3.87*)

By the end of March at least 40 members of UDF affiliates had been killed in such attacks in Natal over a period of three months. Another five people whose political affiliations were not stated were killed, and five members of Inkatha also died. The killing of three shop-stewards in Mpophomeni in December was reported in the last issue of *FOCUS*, as was that of 12 people at the home of a KwaMakuta Youth League leader Victor NTULI in January. In February five members of the Hammarsdale Youth Congress were killed, and in March eight members of the Hammarsdale Youth League. In the last incident, the bodies of seven pupils were found shot or stabbed in a ditch in KwaMashu township and the eighth was found dead in Newlands together with another severely wounded person. Mpophomeni, KwaMakuta and KwaMashu are all townships within the Kwazulu bantustan.

The Publicity Secretary for the UDF in Natal, Lechesa Tsenoli, described the killing of UDF members as 'part of a systematic plan to cripple the organisation in the region'. (*FOCUS 69 p.3; NN 26.3.87; WM 11/18.3.86*)



**The International Defence and Aid Fund for Southern Africa**  
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