

Republic of Namibia born

National reconciliation marks independence celebrations

Shortly after midnight, on 21 March, the South African flag was lowered in Windhoek as Namibia took its place amongst the independent nations of the world. Sam Nujoma was sworn in as the Republic's first president by the UN Secretary-General, Javier Perez de Cuellar, at a ceremony attended by world leaders.

Representatives of 147 countries joined thousands of Namibians at the festivities in Windhoek's athletics stadium. President Nujoma told the crowd that Namibian independence was 'a moment our people have been waiting for, for more than a century'. He made a strong call for unity and reconciliation — the major theme of SWAPO's election campaign and its subsequent policy in the Constituent Assembly.

All sections of Namibia's population joined in the independence celebrations, but there was an attempt to declare the Rehoboth bantustan independent by its former head, Hans Diergaardt, who had re-occupied the administrative offices from which he was removed when the authority was dissolved last year. He refused to accept the jurisdiction of the new Namibian government or the courts. The new government indicated that it would not tolerate illegal attempts at secession, but would seek to resolve the issue peacefully. (T/BBC 21.3.89)

Consensus

Nujoma's presidency was unanimously endorsed by Namibia's Constituent Assembly in February. He will serve for a five-year term, after which national presidential elections will take place. No president will be able to serve for more than two terms.

The Constituent Assembly adopted the country's constitution by consensus, although some parties expressed dissatisfaction with certain principles. The constitution was little changed from the draft presented to the Assembly at the end of January (see Focus 87, p.10). The last stumbling block to agreement was overcome on 9 February when a controversial clause allowing for detention without trial was removed, in order, as one SWAPO delegate put it, to 'give human rights a chance'. (WO 3.2.90; Nam 19.2.90)

President-elect Nujoma said that the

document was 'not perfect . . . [but] an impressive summation of the universally acclaimed principles, ideas and values of democratic society'. He pointed out that the constitution enshrined the principle of 'affirmative action . . . to redress the social and economic injustices of the past'. It also outlaws the practices of apartheid and racism. (Statement by Sam Nujoma 9.2.90)

Government

The elected delegates to the Constituent Assembly became the new legislature of Namibia after independence — national elections will be held within five years on a proportional representation basis. Regional and local elections will also be held — probably within two and a half years — and a second chamber, called a National Council, formed. A cabinet was appointed before independence, consisting mostly of SWAPO representatives, although some non-aligned professionals and members of other parties were also appointed. (This Week in Namibia, Washington, 2.2.90)

SWAPO commands a simple majority in the National Assembly, with a strong opposition in the Democratic Turnhalle Alliance (DTA), an amalgam of several parties. In March, the DTA met to consider transforming itself into a single party, leading to the resignation of its president, Kuaima Riruako, and his replacement by the vice-president, Mishake Muyongo. The other main opposition alliance, the United Democratic Front, also began the process of transforming itself into a single party. (TN 12.3.90; Nam 15.3.90; BBC 19.3.90)

Economy

The new government has inherited a fundamentally imbalanced economy, the result of a century of colonial exploitation. Although Namibia has one of the highest per capita incomes in Africa, most of the wealth is concentrated in the hands of whites and the country also has some

of the worst poverty on the continent. Unemployment nationally is estimated to be at least 30 per cent, and in the north 60 per cent. (Nam 25.2.90)

The government is committed to economic reform and to ensuring that a greater proportion of the wealth generated by mining and fishing remains in the country, but the incoming Minister of Finance, Otto Herrigel, predicted a budget deficit of R500 million in the first year of independence. In a policy speech in February, Herrigel said that Namibia would seek to establish its own central banking and monetary system, in place of the current system which is tied to South Africa. Agricultural subsidies would also be a priority area. Herrigel noted that there was a threat of a capital outflow and that pension companies had moved R400 million from Namibia to South Africa before independence. (TN 9.2.90)

Independent Namibia will join the Southern African Development Co-ordinating Conference (SADCC) and attempt to lessen its trade ties with South Africa. It will also seek preferential trading arrangements with the European Economic Community through the Lome Convention and has joined the Commonwealth. President Nujoma requested the UN to lift existing sanctions, includ-

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Amnesties free prisoners

Five members of the Namibia National Students Organisation (NANSO), sentenced to between one and two years imprisonment in November last year for protests in the South African-claimed enclave of Walvis Bay, were freed in February. Johanna KAMBANDA, Dinā NAKWAFILA, Rosalina SHIPIKI, Paulus SHIMWANDA and Mengeli ERASTUS were the focus of an international campaign initiated by NANSO. Because they were convicted in Walvis Bay, the South African authorities argued that they did not fall under the amnesty for political prisoners which formed part of the independence procedure. (*Focus* 86 p.4; *Nam* 11.2.90)

Their release was announced by the South African Administrator-General 'in the spirit of reconciliation'. The amnesty was not extended to Leonard SHEEHAMA, an alleged SWAPO combatant on Death Row in Pretoria, also convicted of offences in Walvis Bay. He has appealed against his conviction and sentence (see *Focus* 83 p.4). However, the AG declared that the amnesty would apply to members of South African military and police units who were imprisoned for crimes 'in the performance of their duties and functions'.

Dirk Calitz, an ex-Koevoet member sentenced to ten years' imprisonment for beating a civilian to death, was freed almost immediately. Calitz was convicted in 1987 but continued to serve in Koevoet for two years while his appeal was heard. When his appeal was finally turned down, he was allowed to go to a nursing home in South Africa instead of prison, on the grounds of illness. He served only 15 days in prison before being freed. (*Nam* 20.2.90)

Shortly after the AG's announcement, the South African State President withdrew two appeals against decisions by the Windhoek Supreme Court which had opened the way for the prosecution of a total of 10 South African Defence Force members for two separate murders. Lawyers said the appeals were academic as the men were likely to fall under the amnesty. Six of them were charged after SWAPO leader Immanuel SHIFIDI was killed at a public meeting in 1986, and the remaining four were charged with killing Frans UAPOTA in 1985. Both trials were stopped by the State President, in an action later ruled invalid by the Windhoek Supreme Court. (*Focus* 73 p.3, 79 p.3; *Nam/Star* 20.2.90)

In November two other Koevoet

members found criminally liable for the deaths of detainees Filemon NIKODEMUS and Petrus SAKARIA in 1985 were granted effective amnesty by the AG. They were told they would not be prosecuted as long as they left Namibia immediately and did not return. (*Focus* 76 p.10; *Nam/CT* 17.11.89)

An amnesty was declared for most categories of short-term common-law prisoners by President Nujoma on 26 March. He also announced the release of four prisoners held for politically-motivated offences related to SWAPO's armed struggle but who were not released in the UN amnesty. Paulus KAMPUBURU, Paulus ANDREAS, Afunda NGHIYOLWA and Simon ABED would all be released as soon as possible, he said. (*NAMPA* 26.3.90)

● An inquest court found that no one was criminally responsible for the death of Joseph PETRUS, a SWAPO activist and defector from Koevoet. Petrus was killed by police in northern Namibia in August last year (see *Focus* 85 p.11 where he is named Petrus JOSEPH). Despite inconsistencies in police evidence, the magistrate accepted police claims that Petrus had drawn a pistol and they had shot him in self-defence. (*Nam* 8.2.90)

REPUBLIC OF NAMIBIA BORN

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ing the oil embargo, on independence. He also called for sanctions against Walvis Bay to be lifted — the UN regards the port as part of Namibia but it is still administered by South Africa. (*WO* 17.2.90; *Nam* 12.3.90)

Social issues

During February and March cabinet ministers-elect began to formulate policies to eliminate apartheid and rebuild Namibian society. Schools remained largely segregated when the school year opened, and white schools managed to exclude many black applicants on the basis of language proficiency. A draft policy document released in January by the Minister of Education-elect, Nahas Angula, presented a comprehensive plan for transforming the education system. Free and compulsory education for all would be phased in, a new education structure and national curriculum devised and new teacher-training systems implemented. Angula described the existing education system as 'a disaster area' and set out 'emergency measures' to deal with immediate shortages. Teaching of English, the new official language, will also be a priority. (*Nam* 25/26.1.90, 22.2.90)

Plans for transforming the legal system were also unveiled. Apartheid laws will be scrapped, traditional law will be integrated into the main body of laws, lawyers and magistrates trained in exile will

be incorporated and legal advice structures will be established. (*Nam* 23.2.90)

President Nujoma and other government officials have emphasised the importance they place on an independent and critical press. Radio and television — controlled by the Namibia Broadcasting Corporation — will be harnessed for mass education schemes and controlling and editorial structures will be re-organised. (*Nam* 6.3.90)

Security

Only a few incidents of violence occurred during the independence period, but concern about security, especially in the north, persisted. The killing of two SWAPO members, Johannes and Danielina ROBERTS, near Grootfontein caused alarm in the area, but SWAPO did not believe the killings were politically motivated. In Windhoek, unsuccessful assassination attempts were made on three leading SWAPO members, including Zephania KAMEETA, a Lutheran church leader and member of the Constituent Assembly. (*WO* 24.2.90; *Nam* 1.3.90)

Thousands of ex-military weapons are in private hands. In the main northern war areas an estimated 4,000 mines remain in known minefields and discarded ammunition is scattered around. The border with Angola remains unstable, with UNITA members and ex-Koevoet members crossing regularly. Local authorities expressed concern that successful Angolan government offensives against UNITA in southern Angola would lead to an increasing influx of UNITA mem-

bers — according to official sources, there are 5,300 Angolans under UNITA control living in the western Caprivi area. (*Nam* 19.2.90, 13.3.90; *TN* 14.3.90)

Steps were taken to integrate South African-controlled police and military forces with SWAPO's forces. The first integrated intake of police, consisting of 68 former SWAPO combatants, 14 SWAPO members trained in exile as police and 90 former South West Africa Police recruits, began training in February. The incoming Minister of Home Affairs, Hifikepunye Pohamba, toured northern Namibia to seek support for the fledgling Namibian Police, urging people to co-operate with the new force and pledging to retrain and reorient the existing police. (*Nam* 19.2.90, 5.3.90)

Demobilised SWAPO combatants and ex-members of the South West Africa Territory Force (SWATF) will form the core of the new Namibian army, about 6,000 strong, which is being trained by a small British military contingent. However, many SWATF members have been withdrawn to South Africa and integrated into the South African Defence Force. The incoming government requested six governments which had contributed military or police contingents to the UN forces to remain for three months after independence to ensure security. The Kenyan government agreed to keep 1,000 troops in Namibia and other countries contributed police contingents. (*Nam* 23.2.90; *This Week in Namibia* 19.3.90; *Tel* 22.3.90)

POLICE & MILITARY

Police and army 'hit' squads exposed

The South African police have been implicated in many killings, summary executions and attacks on anti-apartheid activists. Despite government attempts to limit the extent of the exposures it has been revealed that the assassination of political opponents has been official police and military strategy.

Details about the squads began to emerge in October last year when, on the eve of his execution, Almond Nofomela, a Security Branch policeman sentenced to death for an unrelated murder, filed an affidavit claiming that he had been a member of a secret police unit which had carried out several murders, including that of lawyer Griffiths MXENGE in 1981 (see *Focus* 50 p.6). He named the commander of the unit as Captain Dirk Coetzee, who fled the country and, under the protection of the ANC, disclosed further details about the unit. More evidence came from inquests and trials.

A similar army unit, known as the Civilian Co-Operation Bureau (CCB), was exposed during police investigations into the murders of David WEBSTER, a Johannesburg researcher and anti-apartheid activist (see *Focus* 83 p.5), and Anton LUBOWSKI, a SWAPO leader (see *Focus* 85 p.11). Some details of the unit, and of police activities, emerged from evidence given to a government commission of inquiry under Justice Harms, set up to investigate allegations about political assassinations.

Police assassinations

Nofomela, a security policeman, had been based at a police-owned farm, Vlakplaas, near Pretoria, which he said was the headquarters of the police hit squad. The squad consisted mainly of ex-ANC and PAC combatants who had been captured and 'turned', often after torture. They were known as Askaris.

Nofomela said that he had carried out nine killings and many kidnappings — mostly of suspected ANC members — in

South Africa and neighbouring states. His evidence was supported by another member of the unit, David Tshikalanga, and Captain Coetzee, who stated that the unit's activities had been authorised by police generals. Coetzee also said that the Security Police had been responsible for bombing the ANC office in London in 1982, and killing ANC members Ruth FIRST, Jeannette SCHOON, Cassius MAKE, Paul DIDELEDI and others. Another ex-policeman, H Human, who was reported to be in hiding, stated that he had helped in the assassination of the ANC's representative in Paris, Dulcie SEPTEMBER in 1988 (see *Focus* 77 p.12). (*S Trib* 14.1.90; *FT* 1.2.90; *CP* 4.2.90; *DN* 3.3.90; *Star/GN/Ind* 8.3.90; *WM/GN* 16.3.90)

Further details of the Vlakplaas unit were exposed during an inquest into the deaths of four men in Chesterville, near Durban, in June 1986, who were killed when police, including Askaris, opened fire on a shack in which they were meeting. (*WM* 2.2.90)

Three commanders of the Vlakplaas unit gave evidence to the court, but denied responsibility for the Chesterville incident. The three said that the unit was code-named C-1 and fell under the counter-insurgency operations of Security Branch headquarters in Pretoria. (*WM* 26.1.90)

In January the ANC disclosed that it knew of 27 ANC members who had been kidnapped or captured by the police and recruited into Askari units. Askaris were known to be involved in the killing of ANC personnel, mostly in neighbouring states. The ANC listed several killings, including 11 deaths in Swaziland in 1986 and 1987, the assassination of Cassius MAKE (see *Focus* 72 p.2), the killings of Zweli NYANDA and Keith MCFADDEN in 1983 and the deaths of five people in Mozambique in 1980. (*S Star* 28.1.90)

Civilian Co-Operation Bureau

The spotlight moved from the police to the army as investigations into the murders of Lubowski and Webster uncovered the existence of the CCB. Police

in Namibia arrested an Irish national, Donald Acheson, soon after Lubowski was gunned down outside his Windhoek home in September last year. Acheson was linked to a group of Security Branch policemen operating from Johannesburg, all of whom were former members of the Brixton Murder and Robbery Squad. The same men were also named in police investigations into the killing of David Webster.

The police then disclosed that the ex-policemen were working for the CCB, a military unit forming part of the secret Special Forces section of the South African Defence Force (SADF). Established in 1980 the CCB was responsible for infiltrating the ANC and other anti-apartheid organisations and assassinating leading anti-apartheid figures. According to evidence given to the Harms Commission, it had been responsible for 200 'projects', mostly outside South Africa, and employed a network of 139 full-time agents. It was supplied from a secret arms and explosives company and drew funds — 28 million rands last year — from the Special Defence Account. Known agents of the CCB were all policemen or military personnel, some with criminal records. (*GN* 16.2.90; *S Star* 11.3.90; *Star* 17/18.3.90).

The CCB was commanded by Colonel Joe Verster and supervised by Major-General Eddie Webb, head of Special Forces, who in turn reported directly to the chief of the SADF, General Geldenhuys. The Minister of Defence, General Malan, claimed ignorance of the CCB and said that it could not have killed Lubowski because he was an agent of South African Military Intelligence. This was strongly rejected by SWAPO. (*T* 7.3.90)

Most CCB operations were conducted outside South Africa, but the Harms Commission is restricted in its investigations to activities inside the country. In early evidence to the commission, it was disclosed that the unit had planned to kill Dullah OMAR, a prominent lawyer, Gavin EVANS, a leading member of the End Conscription Campaign, Boetie VAN DER MERWE, a community activist who survived an attempted assassination in September last year, and United Democratic Front general secretary, Popo MOLEFE. (*WM* 9.3.90; *S Star* 11.3.90)

Restrictions remain

Following State President F W De Klerk's speech to parliament on 2 February the prohibitions on the ANC and 60 other anti-apartheid organisations were lifted, restrictions on certain individuals were rescinded and eight newspapers were unbanned.

Organisations

While organisations restricted under the Internal Security Act and the State of Emergency were unbanned, the power to reimpose the bans remained in force.

The *Internal Security Act* (1982) incorporates most previously enacted 'security' legislation including much of the earlier *Internal Security Act* (first called the *Suppression of Communism Act*). Section 4 of the Act allows the Minister of Law and Order, without reference to anyone, to declare unlawful any organisation he believes to be a threat to the state: between 1960 and 1985, 29 organisations were banned. He can also ban newspapers and other publications.

A State of Emergency can be declared under the *Public Safety Act* (1953). Since June 1986 emergency regulations have allowed commissioners of police to prohibit meetings of organisations. Under

an emergency regulation imposed in February 1988 the Minister of Law and Order can prohibit an organisation from engaging in 'any activities or act whatsoever', other than administrative duties. (*Focus* 81 p.5)

Individuals

Under the *Internal Security Act* a person may be placed under a banning order. Orders generally prohibit political activity and attendance at meetings and restrict individuals to specific magisterial districts. Orders may be imposed for up to five years and are renewable.

The Minister may also compile lists of

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POPULAR RESISTANCE

Councils under attack

Black local authorities have recently come under the most severe and sustained attack for many years as revitalised popular organisations have raised living conditions as a major grievance. When police opened fire on peaceful protestors in Sebokeng on 26 March it was a forceful reminder that the state's initial response to mass protest remains violent suppression. Organisations have been unbanned, but conditions for open political activity do not yet exist.

While rent boycotts have been sustained in some areas for five years, the Conference for a Democratic Future in December recognised and gave direction to the resurgence of housing protests across the country. In spite of attempts by the regime to minimise the significance of the protests it is clear that they are supported by thousands of residents in a response to years of neglect and abysmal living conditions.

There were huge marches across the country during the first three months of the year, calling for councillors to resign, for rent and service charges to be reduced and for improvements in health services, education and roads. Demands for facilities in white areas to be open to the whole population came in particular from more remote townships. Most protestors linked their demands to national calls for the lifting of the State of Emergency and removal of troops from the townships.

Actions such as rent boycotts have forced many councils to lower charges but residents have demanded that arrears accumulated over the last five years should be written off. They have also demanded that a fairer system be devised so that apartheid segregation should not lead to the black community paying higher rates for inferior services. For instance electricity is sold to the Soweto

council at 9.7 cents a unit and to the Johannesburg council at 6.9 cents a unit. (*NN 16.2.90; Star 24.3.90*)

In some areas protests escalated when residents were denied the right to express their grievances. Although in mid-February the Minister of Law and Order announced the possibility of relaxing laws restricting meetings, the right to march and to assemble remained an issue. (*Focus 87 Supplement*)

In the Eastern Cape residents resorted to consumer boycotts to press their demands. By mid-February there were boycotts in Stutterheim, Komga, Tarkastad, Barkly East and Jamestown and all the black councillors in Indwe, Stutterheim and Elliot had resigned. The longest-running boycott, in Stutterheim, was entering its fourth month. It was supported by people from Stutterheim's Mlungisi township as well as residents of outlying villages such as Kubusie.

The Stutterheim Co-ordinating Committee complained of increased police harassment as the boycott caused some white-owned businesses to close. Additional demands focused on 'starvation wages' paid locally, especially to farm and domestic workers.

Tarkastad residents launched their consumer boycott when the town council effectively prohibited a protest march by demanding a deposit of R10,000 before allowing it to take place. In Jamestown, where a march was stopped because its organisers had not received prior permission, a consumer boycott was also launched. (*DD 19/26/27/31.1.90, 16.2.90*)

Katlehong

Violence in March in the East Rand township of Katlehong illustrated the impact of another fundamental policy of apartheid. Residential segregation frequently requires urban black workers to make long journeys from their homes to their places of work, and transport costs form a major part of the cost of living. Taxis are big business in the townships and competition is fierce. Faced with two taxi associations vying for trade in the area, Katlehong residents announced a boycott of the rival groups until peace

had been established. This protest was met by violence from supporters of one group who blamed the youth for the boycott and went on the rampage, killing both teachers and students. By 9 March the death toll was 15. Residents were critical of police behaviour, saying they had been reluctant to act until the heavily-armed gangs had attacked.

A massive protest march on 7 March not only showed the police in a more active role — they shot and injured 28 demonstrators — but also highlighted the relationship between the problem of transport and other struggles in Katlehong. Estimates of attendance at the march, called by the Katlehong Civic Association, ranged between 75,000 and 100,000. Residents demanded a cut in rents and electricity charges, failing which they would launch a rent boycott.

Although the taxi rivalry was the occasion for the violence, an investigation carried out by the Witwatersrand Council of Churches into violence in a number of areas, including Katlehong, established a link with local political demands: 'The violence in these areas has been preceded by an obvious call from communities to local black authorities to relinquish their positions.' (*WM 9.3.90; Star 16.3.90*)

Sebokeng

Rent and service charges were the subject of a protest march in Sebokeng on 26 March, which sought to present residents' demands to National Party headquarters in Vereeniging. Sebokeng is one of the townships falling under the Lekoa Town Council which have sustained a rent boycott for over five years. Unpaid rent in the townships now amounts to R125 million.

Organisers of the march were refused permission to go to Vereeniging. In the words of one of them: 'We can work in Vereeniging, but we aren't allowed to march there.' Fifty thousand protestors presented their demands instead to the local police. The violent police reaction, shooting dead 11 people and injuring 450, echoed the events of 3 September 1984 when the violent dispersal of a march initiated a mass uprising in the Vaal Triangle. Eyewitnesses said police shot without warning, wounding many residents in the back as they fled. (*FT 28.3.90*)

RESTRICTIONS

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people who may not be quoted. The Act provides for the listing of people considered a threat to the state, officers of unlawful organisations, and those convicted of a number of offences including sedition and treason as well as convictions under the Act itself. Following De Klerk's speech 219 names were removed from the lists, but almost 300 people remain listed. (*GG 4.8.89; S Star 6.2.90; Star 24.3.90*)

Emergency regulations permit the Minister of Law and Order to restrict the activities of individuals. While similar to banning orders, restriction orders must be reissued annually and last only for the

duration of the State of Emergency. A regulation which applied only to emergency detainees, allowing their release to be made subject to restrictions, was repealed in February. However, the general regulation permitting restriction of individuals not only remained in force but was made harsher with respect to regular reporting at police stations. (*Focus 83 p.10; NN 5.2.90*)

Media

Although the Media Emergency Regulations were revoked in February, many other laws continue to restrict reporting. One of the repealed media regulations, restricting visual media reporting of 'unrest' and police action under the State of

Emergency, was reinstated in the main body of emergency regulations. There are other emergency regulations which can be used to restrict reporting, as well as the *Police Act* and the *Defence Act* which control the reporting of police and military activity. (*Anti-Censorship Group Update Jan 1990; Focus 87 Supplement*)

In February, a journalist Charles Leonard was assaulted by riot police while reporting on student celebrations. A few days later, journalists were turned away from a scene of 'unrest' in Tembisa in terms of the emergency regulations. The same regulations were invoked to prevent media coverage of protests against the rebel cricket tour in Alexandra and Johannesburg. (*Star/WM 9.2.90*)

POLITICAL PRISONERS

Prisoners demand release

Demands for the immediate and unconditional release of all 'politically-motivated offenders' intensified during February and March and were the focus of a ten-day hunger strike by Robben Island prisoners. This followed F W De Klerk's speech to Parliament on 2 February announcing the proposed release of some but not all political prisoners, and the release of Nelson Mandela on 11 February.

The release of political prisoners was identified in the OAU's Harare Declaration as a necessary step towards creating a climate for negotiations, and was one of the issues to be discussed at the first meeting between representatives of the ANC and the government.

Although the total number of political prisoners is unknown, because of the regime's secrecy and unwillingness to recognise their status, it is clear that the 48 people reported released by the end of March represented only a small fraction of them. (*Focus 87 Supplement*)

Many had almost finished their sentences, while others were freed in amnesties announced by the Transkei and Ciskei bantustans. It seemed that, at least in the Ciskei, some political prisoners sentenced for common law offences remained in prison.

On 26 February all 343 political prisoners on Robben Island went on

hunger strike, demanding the release of all prisoners. They challenged the narrow definition of political imprisonment used by De Klerk on 2 February and rejected the Minister of Law and Order's subsequent suggestions that the release of 'those convicted of common law crimes' might be a matter for negotiation. They demanded the implementation of other terms of the Harare Declaration as well as the recognition of, and the granting of rights pertaining to, 'political prisoners'. They also called for conditions in all prisons to be improved. (*Focus 87 Supplement; Prisoners' statement 26.2.90*)

Statements by the prisoners said that conditions were 'progressively degenerating . . . in proportion to the rate of the so-called reform and renewal pursued by the Nationalist Government'. Norman YENGONI, who was released from Robben Island on 14 February, said prison-

ers began to discuss a hunger strike over a year ago when a stricter regime was introduced by a new governor and the 'staff complement changed completely'. (*Prisoners' statement 26.2.90; South 1.3.90*)

We believed on Robben Island that the government should declare a total amnesty and release all political prisoners and halt all political trials if they seriously want to create a climate for negotiations and solve the political problems peacefully.

Norman Yengeni, former Robben Island prisoner (South 1.3.90)

'As well as focusing on the demand for recognition as political prisoners, the prisoners demanded the right to study and to receive food and reading material from their families and the provision of appropriate clothing for all weather conditions. They called for more regular visits and better facilities for visitors; a 'non-racial diet' of improved quality; improved medical and welfare care and the release of seriously ill prisoners. They insisted that the conduct of warders be addressed. (*Anti-Apartheid Movement, London (AAM) 28.2.90; South 1.3.90; Star/NN 2.3.90*)

The strike involved 305 ANC, 26 PAC and 11 black consciousness movement members and one other prisoner. Those who were medically unfit or engaged in strenuous manual labour, 41 in all, only took one meal a day. A Hunger Strike Committee was elected, composed of four members each from the ANC and the PAC and two from the black consciousness movement. They agreed that no single organisation would end the strike and demanded access to lawyers and the leaders of their organisations.

On 1 March the Minister of Justice appointed a judge to investigate conditions but this did not defuse the strike. The Hunger Strike Committee met with two lawyers on 3 March and three days later consulted with a legal team set up under their instructions. Lawyers met with the Minister of Justice on 7 March and announced the suspension of the strike the following day after getting a commitment which led the prisoners to express themselves 'satisfied . . . their demands were receiving attention at cabinet level'. (*CT 1/2.3.90; AAM 5/9.3.90; BBC 10.3.90*)

On 12 March Dullah Omar, a member of the legal team, said the government had 'no other alternative but to release a significant number of political prisoners and to end all political trials', and that recognition of this was the reason for ending the hunger strike. (*S Star 13.3.90*)

Solidarity actions

The strike was supported both internationally and by acts of solidarity inside and outside of South African prisons.

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Mandela out of prison

On 11 February, Nelson Rolihlahla MANDELA (71) was freed unconditionally from Victor Verster Prison after 27 years and six months in custody.

Mandela was sentenced to life imprisonment on 12 June 1964 under the General Law Amendment Act 1962 ('Sabotage Act') and the Suppression of Communism Act, on charges arising from his position on the High Command of Umkhonto we Sizwe. When brought to trial in October 1963 he was already serving a five-year sentence imposed in November 1962 for incitement to strike and leaving the country illegally.

Mandela was held on Robben Island until April 1982 when he was transferred to Pollsmoor Prison. He was moved to a house inside Victor Verster Prison on 7 December 1988, having spent four months recovering from tuberculosis at Tygerberg Hospital and Constantiaberg Clinic. (*Focus 81 p.10*)

Before his capture on 5 August 1962, Mandela played a prominent role in ANC activities for over 20 years, despite repeated harassment and repression from the regime. In December 1952 he was sentenced under the Suppression of Communism Act to nine months imprisonment, suspended for two years. The same month Mandela was served with a banning order and

remained banned almost continuously for the next nine years. The initial order confined him to Johannesburg and prohibited him from attending gatherings for six months but when it was renewed in 1953 an extra provision was added requiring him to resign his position in the ANC. On 5 December 1956 Mandela and 155 others were charged with treason. While charges against most were dropped, Mandela and 29 others endured a long trial before being acquitted on 29 March 1961. During the course of the trial he was detained under the State of Emergency imposed in March 1960.

Mandela's meetings

At a press conference held in Cape Town on the day of his release Mandela clarified the purpose of his meetings with cabinet ministers about which there had been widespread speculation (*see Focus 87 p.2*). Mandela confirmed that he had met with the Minister of Justice 'countless times' since 1986, and had had about four meetings with Gerrit Viljoen, the Minister of Constitutional Development. Mandela revealed that he had requested the meeting which took place with former State President, P W Botha in July 1989, and that De Klerk had been fully informed of it. The purpose of these meetings was to negotiate the release of 'Sisulu and others' and facilitate 'a meeting between the ANC and the government'. (*CT 13.2.90*)

Thirty-eight sentenced and unsentenced political prisoners went on solidarity fasts, including all the accused in the Yengeni trial (see *TRIALS*), all of the white convicted ANC members in Pretoria Central Prison and two prisoners at Westville Prison. Susan Westcott and Marion Sparg protested in Pretoria Central Prison and Pumla Williams, with 14 other women prisoners, took action in Kroonstad. (*Focus* 85 p.7, 87 p.7; *CT* 8.3.90; *WM* 9.3.90)

Various organisations including the United Democratic Front, Mass Democratic Movement, the Nelson Mandela International Reception Committee, the Save the Patriots Campaign and the Association of Ex-Political Prisoners, gave support to the hunger strike. The latter was launched in Port Elizabeth at the end of February to attend to the needs of former political prisoners and returning exiles. The Hunger Strike Support Committee (HSSC), founded in February 1989 when detainees went on hunger strike, was re-formed to co-ordinate solidarity actions. (*Focus* 82 pp.1-2; *WM* 9.3.90; *Star* 12.3.90)

Norman Yengeni and another recently released Robben Island prisoner, Abel Bushy MAAPE, led a march on 2 March to the State President's office where copies of the hunger strikers' demands were delivered. Other solidarity action led to some of those involved being charged (see *OTHER TRIALS*). (*WM* 2/9.3.90)

Prisoners protest

Hunger strikes in several other prisons indicated the importance of the issue of political status and revealed the extent to which prisoners have to resort to drastic action to have their grievances addressed.

The regime's attempt to 'depoliticise... the nature of charges faced by MK cadres' was challenged by 23 ANC activists at Diepkloof Prison. Tumi PADI and Bheki MYEZA began a fast on 2 February, protesting at being transferred away from other political prisoners after being charged. The strike escalated a week later when Michael NDLOVU and Ronald NDLOVU and two others were put with ordinary prisoners.

After 20 days of protest, and a meeting between their lawyers and prison officials, the six prisoners were moved back with other political prisoners and ended the strike. By this time Padi had collapsed and lost consciousness and Andrew MATHABATHE and Simon MODISE (also known as Aubrey MORAPEDI) had been hospitalised. This was also recommended for Pule SEBEDI and Dumisani NKABINDE after doctors examined them during a court appearance. A number of these prisoners had been involved in hunger strikes before. (*Focus* 84 p.6, 87 p.5; *Star* 18.1.90; *NN* 16/23.2.90)

A hunger strike protesting against conditions at Kroonstad Prison was revealed when a prisoner escaped on 14 March in order to deliver a letter to the Commis-

sioner of Prisons, via the Human Rights Commission. Sentenced prisoners began the fast on 4 March and emergency detainees joined them the following week. They demanded the release of detainees, improved medical treatment and beds. They emphasised that they 'embarked on a hunger strike as the only peaceful measure to air their grievances'. (*WM/NN/HRC* 16.3.90)

Prisoners held on Death Row at Pretoria Central Prison went on a second hunger strike in February, again protesting at their conditions. It seems this action, and an earlier strike, succeeded in gaining visiting rights for prisoners' children. They also demanded better clothing, the right to study and access to literature. The authorities said that 'visits to prisoners by their children... has been recently approved' and other grievances were being addressed. (*Focus* 87 p.6; *Star* 17/19.2.90)

By 9 March eight prisoners in Rooigrond Prison in the Bophuthatswana bantustan had been on hunger strike for 17 days. They were sentenced for their part in the attempt to overthrow the bantustan administration in February 1988. Lawyers said they were protesting against attempts to force them to work in the quarry. They were subsequently charged for refusing to work and had their study privileges withdrawn. (*Focus* 76 p.3; *S/SS/NN* 9.3.90)

POLITICAL PRISONERS REPORTED RELEASED SINCE 2 FEBRUARY

The former prisoners are listed according to the date of their release and the prison from which they were released. Some sentences have been reduced, presumably after an appeal, since the original conviction was recorded in *Focus*.

7.2.90 Wellington, Transkei

Thandisile Jada	5 yrs. 4.6.87. Sabotage F73
Sindiso Sigcu	{5 yrs. 17.7.87.
Mcebisi Waqu	{Sabotage F74
Ndibulele Ndzamelala	{18 yrs. 12.5.89.
Pumzile Mayapi	{Terrorism, Murder F83
Teko Mokhou	8 yrs. 21.6.89. Sabotage F84

9.2.90 Pretoria Central

Robert Martin Adam	10 yrs. 1.6.82. Conspiracy F41
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9.2.90 Kroonstad

Barbara Hogan	10 yrs. 21.10.82. Treason F44
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12.2.90 Ciskei Prison

Msokoli Mgubasi	7 yrs. 19.3.86. Terrorism F64
Mzimasi Isaac Giwu	{12 yrs. 31.10.86.
Sivuyile Botwa Qegu	{Terrorism F68
Mzwakhe Nelson Ndlela	15 yrs. 25.5.87. Terrorism
Linda Michael Stofile	{8 yrs. 25.5.87.
Mveleli Gqibithole	{Terrorism F71
Xolile Matabese	6 yrs. 30.3.88. Terrorism F77

14.2.90 Robben Island

Abel 'Bushy' Maape	4 yrs. 1986. Furthering Aims F58
Lazarus Mohau Mmoledi	3 yrs. 1988. Furthering Aims
Nelson Qubeka	3 yrs. 1988. Furthering Aims
Edward Mbundu	{10 yrs. 15.9.81. Terrorism
Eddie Bafana Khumalo	{F37
Norman Yengeni	

Source: F — *Focus* reference of report of trial leading to sentence

14.2.90 Johannesburg

Matshwenyego Mokgabudi	{6 yrs. 3.12.87. Supplying
Tshifhango Rabuli	{information to ANC F75
Nicholas Kgasi	{2 yrs. 28.6.88.
Amos Rammego	{Furthering Aims
Andries Nkabinde	
Lucas Mabe	2 yrs. 1988. Furthering Aims F83

13.3.90 Robben Island

Sipho Aaron Madondo	12 yrs. 20.3.78. Terrorism F16
R Itumeleng Makwele	7 yrs. 11.4.83. Terrorism F47

19.3.90 Robben Island

John Ganya	11 yrs. 26.6.79. Terrorism F25
Nkwenkwe Mzandile Madela	12 yrs. 29.6.78. Arson F18
Diliza Lucky Thwala	{5 yrs. 26.6.85.
Ronnie Wilfred Mabena	{Terrorism F60
Christopher Sparanyi	7 yrs. 28.6.83. Terrorism F48
Sello Motse	4 yrs. 1986. Subversion

21.3.90 Robben Island

Neville Sello Motlhabakwe	7 yrs. 13.7.83. Terrorism F48
Lungisane Kunene	{3 yrs. 14.7.87. Refusing to
Michael Sibusiso Xaba	{testify F73. Zulli, Majola and
Thabane Zulli	{Mugabane also refused to
Sibusiso Majola	{testify but were not named
Mrungise Mugabane	{previously

28.3.90 Robben Island

Petrus Pilusa	12 yrs. Nov. 1978. Sabotage F20
Donavan Saayman	4 yrs. 27.11.86. Sabotage F69
Boyce Bogale	{10 yrs. 20.11.80.
Thomas Mngadi	{Treason F33
Muzi Ashington Nkosi	5 yrs. 5.11.85. Poss. arms F62
Mzimkulu Khame	6 yrs. 6.12.84. Terrorism F57

Death sentences

Following President De Klerk's announcement of a moratorium on executions in February no hangings have taken place in Pretoria Central Prison but some three hundred condemned prisoners remain on Death Row there, about one-fifth of them political cases. Protests about conditions continued. (See *PRISONS*)

Under the regime's plans all cases still pending will be reviewed when parliament decides on proposals for amendment to legislation governing the imposition of the death sentence. According to the Minister of Justice both an advisory body of experts and

the Appellate Division will be involved in evaluating the sentences. (*Star* 8.2.90)

Ndibulele NDZAMELA and Pumzile MAYAPHI, who were sentenced to death by the Transkei Supreme Court in May 1989, had their sentence replaced by an 18-year prison term on appeal on 1 February and later the same month were freed under an amnesty for political prisoners announced by the bantustan administration. (*DD* 2.2.90; *CP* 18.2.90)

On 27 November 1989 the State President commuted the death sentences passed on two men from Nelspruit, Elliott Malindana NKUNA and Mpande Joseph MAHLALELA. They are to serve 20 years imprisonment instead. (*Focus* 78 p.9; *HRC Update* Jan 90)

Mxolisi NCAPHAYI, a member of the Hanover Youth Organisation, and three other residents of the Eastern Cape township of Kwezi, Vuzumsi JACK, Samson

BOOYSEN and Bennet SONAMZI, recently appealed against the death sentences passed on them in January 1988 for their alleged involvement with a crowd who killed a suspected police informer Albert Nkumbi. (*Focus* 76 pp.4-5) The appeal was heard on 3 and 27 November and judgment reserved.

More details of the incident for which they were condemned emerged in the course of a suit filed by Nkumbi's widow against the Minister of Law and Order. She stated that her husband was living temporarily under police protection at the time of his death and that they had failed to protect his life.

On 4 April the men won their appeal and were given sentences of between 10 and 18 years. (*CP* 26.11.89; *HRC Update* Jan 90; *Lawyers for Human Rights* 7.4.90)

POLITICAL TRIALS

Completed trials

Matsididi

A man whose wife sought an interdict to protect him from assaults by the police while detained under Section 29 of the Internal Security Act has been sentenced to eight years imprisonment by the Johannesburg Regional Court.

Harold MATSIDIDI (41), a bricklayer from Diepkloof, was detained in July 1988 in Soweto and only charged after the court application. His wife applied after she heard he had attempted suicide because he was being 'forced to admit things he did not do.' A district surgeon reported finding a self-inflicted stab wound on Matsididi's neck and multiple superficial wounds. Matsididi, who said he 'could no longer stand the threats and treatment of the police,' was kept for three months in a psychiatric ward and then returned to detention.

The state alleged that Matsididi and four others, named only as Pat, TK, Billy and Ben, were planning to attack John Vorster Square police headquarters but were disturbed before they could do so. The others escaped but a BMW car with a rocket launcher, three rockets, rifles, hand grenades and ammunition was impounded. Matsididi maintained he did not know the men and was merely talking to them when the police arrived. He denied having entered the car. Police witnesses gave contradictory accounts of the events, especially concerning a pistol allegedly taken from Matsididi.

Giving evidence in a trial within a trial to decide on the admissibility of a statement made by him to a magistrate, Matsididi said he made it out of fear after being tortured with electric shocks, assaulted and threatened.

On 8 February, Matsididi was sentenced to an effective term of eight years for conspiracy to sabotage. A three-year term for illegal possession of a firearm

and ammunition is to run concurrently. (*Cit* 16.2.89; *CP* 30.4.89, 16.7.89; *S* 11/12.7.89; *Star* 11-14/18.7.89, 9.2.90)

Mogale and others

A number of related trials involving support for the ANC's armed struggle were completed in late 1989 in the Johannesburg Regional Court. In November Helen Mpho MOGALE (24) was acquitted of terrorism charges arising out of the alleged storing of weapons. In August, a relative, Simon Mogale, was convicted of hiding limpet mines. (*Focus* 85 p.7)

Three others originally charged with Helen Mogale were tried separately with a fourth man. Pieter Oupakie RAMMEKWA and Michael TUMANE each received eight years while Andries Itumeleng MAPONYA was sentenced to six years. Charges against Matthew Oupa MOLEFE were withdrawn. No details of the alleged offences were reported but Maponya's brother was said to have been killed in Pretoria in 1988 when a limpet mine exploded. (*CP* 29.10.89; *HRC Update* Nov 89, Jan 90; *WM* 21.12.90)

Mokwena

Sipho Solly MOKWENA (30) of Mamelodi was sentenced to six years imprisonment by the Pretoria Regional Court on 6 February after being convicted of terrorism. He was cautioned and discharged on a charge of being an ANC member, in the light of De Klerk's statement to parliament on 2 February.

Mokwena left South Africa in 1982 for military training. He was arrested in 1988, shortly after his return, in possession of a pistol and two hand grenades. He first appeared in court in September 1988. The presiding magistrate justified the sentence on the grounds of the illegality of Mokwena's actions between 1982-8, no matter what the current legal position of the ANC. (*Star* 22.9.88, 7.2.90; *S/CT* 6/7.2.90; *WM* 9.2.90)

Nyanda

Sheila Moipane Mathabe NYANDA was given a suspended sentence in the Bethal Regional Court in January after pleading

guilty to being an ANC member and furthering its aims. She denied undergoing military training, a plea apparently accepted by the state.

Nyanda was abducted from Swaziland in May 1987 and held in solitary confinement for 18 months before being released and subsequently charged. (*Focus* 74 p.5, 84 p.2, 85 p.7; *WM* 19.1.90)

Nyembe and Abrahams

Gerald NYEMBE (33), a former political prisoner and East Rand organiser for the Paper, Wood and Allied Workers Union (PWAU) was convicted of terrorism by the Johannesburg Regional Court in January while his wife, Lucienne ABRAHAMS, the Western Cape secretary of the same union, was acquitted. Both defendants gave evidence of torture and a statement made by Abrahams under duress was ruled inadmissible by the court.

The state alleged that Nyembe left the country in January 1986 to undergo military training in Angola and returned in late 1987. He was picked up by Bophuthatswana bantustan policemen in 1988, allegedly in possession of a pistol and ammunition. He was tortured for six days by the security branch at Mafikeng after which he made an incriminating statement. This was admitted as evidence against him.

Three unnamed state witnesses, said to be former ANC members now working for the police, provided the main evidence against the accused, alleging they had seen them in Angola and Zambia. Defence lawyers challenged at least one witness's claim to membership of the ANC after he failed to name senior officers of the organisation.

Abrahams, who was detained much later than Nyembe, in December 1988, told how she was in fear of her life after Warrant Officer Jeff Benzien threatened to kill her — Benzien has been implicated in the torture of a number of detainees and fired the shot that killed Ashley Kriel. (*Focus* 85 p.5)

Nyembe was sentenced to eight years

imprisonment of which three were suspended, providing he is not sentenced again under the Internal Security Act. He was previously sentenced to five years imprisonment in 1977 for attempting to undergo military training. (*Focus* 15 p.3; *South* 8.12.88, 23.2.89, 9.3.89, 11.5.89, 20.7.89, 10.8.89, 26.10.89, 1.2.90; *NN* 2.5.89, 15.12.89, 5.2.90; *Star* 20/27/28.7.89; *S* 20/21.7.89)

Sobikwa and others

An attack in March 1988 on municipal police in Soweto led to prison terms of ten years each for Clement SOBIKWA (20) and Lloyd METHULA (28) on 26 February when they were convicted by the Johannesburg Regional Court of attempted murder and the possession of arms, ammunition and explosives. Eleven policemen were injured in the attack which occurred as two units were changing shifts at the Phiri Community Hall.

Another accused, Velile ZWANE, was acquitted of all charges while Patrick KHOZA (18) was given a suspended sentence for illegally possessing explosives and ammunition. Evidence in mitigation for Sobikwa and Methula spoke of the community's 'massive resentment' at the role of the municipal police in evicting rent boycotters. (*S* 10.3.88; *Star* 23/27.2.90)

Other trials

In a period of heightened political activity, and moves towards negotiations, the regime continued to use the courts to suppress opposition. Labour disputes, struggles over housing, education and the bantustans, as well as celebrations after the release of Nelson Mandela, were met by police repression during the first three months of 1990. Demonstrations and meetings were broken up, activists harassed and hundreds of people arrested. The charges they faced, such as public violence and illegal gathering, confirmed the wide range of laws which the apartheid regime can still use to curtail political activity.

Public violence

In January police conducted a raid on Kubusie, surrounding the village with barbed wire and searching all the houses. The raid occurred during a boycott by Kubusie residents of white-owned shops in nearby Stutterheim in the Eastern Cape (see *POPULAR RESISTANCE*). As a result 220 residents were arrested, of whom six appeared in the King William's Town Magistrates Court on 18 January on various charges including public violence. (*DD* 18.1.90, 8.2.90)

Seven members of the Siyathuthuka Youth Congress were due to appear in the Belfast Magistrates Court in the Transvaal at the end of January on charges of public violence. The charges arose out of an anti-eviction march which was dispersed when police fired birdshot into the crowd. At least two people were injured, including one of the accused, Eric MAGAGULA. Residents have waged anti-eviction campaigns against the local authorities since 1988 and the latest pro-

Xate

Lulamile XATE (31), a former medical student nearing the end of a four-year prison term for refusing to testify in a political trial, was recently himself convicted of terrorism and sentenced to another five years. It is to run concurrently with his present sentence.

In November 1986 after being held in solitary confinement for almost a year, Xate was gaoled for refusing to give evidence against 12 people charged with furthering the ANC's armed struggle. He admitted being an accomplice in some of their armed actions. (*Focus* 69 p.6 under *BUTHELEZI and OTHERS*)

At his own trial Xate was described as having been active in Umkhonto we Sizwe between 1983-5 and its commander in Natal. He was convicted of being involved in two bomb attacks — in August 1985 on the home of a leader of the segregated House of Delegates, and in October 1985 on a school used as a polling station. (*S/CT* 16.2.90; *Star* 16/28.2.90; *WM* 2.3.90)

Acquittals

Yengeni and 13 others

Eight of the accused in the terrorism trial of Tony YENGENI and 13 others were formally acquitted on 19 March

tests were prompted by the eviction of a resident in mid-January. Parents of the accused said that they were being refused access to their children. (*NN* 26.1.90)

Events to celebrate the release of Nelson Mandela were also broken up by the police and arrests made. Two Border youths, Lungile MATHIYA (17) and Siteni MAQETHUKA (16), were killed when a policeman shot into a celebrating crowd in Barkly East. Forty-six residents were subsequently arrested on a number of charges including public violence, intimidation and obstructing the police. Two men from the northern Transvaal township of Zithobeni were charged with public violence after a stayaway on 12 February to mark Mandela's release. (*DN* 15.2.90; *S* 16.2.90; *DD* 17.2.90)

Public violence charges were brought against five pupils in the Virginia Magistrates Court in the Orange Free State on 19 February. They also faced charges of intimidation and arson arising out of a class boycott. Pupils' demands included a democratically elected Students Representative Committee (SRC), and an end to corporal punishment and sexual harassment. (*S* 23.2.90)

Illegal gathering

On 31 March the government extended for a year a prohibition on gatherings calling for educational boycotts or worker stayaways, other than those permitted under the Labour Relations Act. The ban had been in force since 1985, in addition to a ban — first imposed in 1976 — on all outdoor meetings held without official permission, apart from sports gatherings or funerals in cemeteries. Both bans had been due to expire on 31 March. (*Star* 2.4.90)

Thirty-four residents of Sonwabile,

after the state declined to proceed with the case against them. Gertrude FESTER, Colleen LOMBARD, Zuraya ABASS, Christopher GIFFARD and Alpheus NDUDE were all on bail (the last two only since December 1989) while Mthetheleli TITANA, Gary KRUSER and Sitlabocha Charles MAHLALE had been in custody since 1987.

The accused were originally charged with treason, later reduced to terrorism, for their alleged support for the ANC's armed struggle in the Western Cape. Their level of involvement varied and most of those released were charged with assisting combatants with accommodation or transport. However, Kruser was alleged to have brought arms into the country and Titana to have undergone military training, trained others and passed on weaponry for armed attacks. Both Titana and Kruser had allegedly worked with Abednego Bongani Jonas, who refused to testify and was convicted in November 1989. (*Focus* 86 p.9)

Defence lawyers for the remaining six — Yengeni, his wife Lumka NYAMZA, Jennifer SCHREINER, Michael Mzimkhulu LUMBAMBO, Mbutu Richmond NDUKU and Wellington Mongameli NKWANDLA said they would apply for bail. (*Star* 31.3.88, 20.3.90)

Maclear, were arrested at the beginning of February on charges of illegal gathering. The residents were involved in a consumer boycott and a stayaway in protest at living conditions in the Border township. They complained of overcrowding and poor sewerage, of no electricity and of insufficient school facilities. Twenty-seven of those charged were arrested after police used teargas and shotgun fire to disperse a group of protesters. At the end of January, in the same area, 23 people were arrested for taking part in an illegal procession in Matatiele, while at Ugie, police arrested 15 men who ignored a warning to end an illegal gathering. (*DD* 24.1.90, 8/10.2.90)

In the Ciskei bantustan, a group of 52 Chalumna residents, ranging in age from 16 to 96, appeared in court at the beginning of February, charged under the bantustan's emergency regulations with holding an illegal gathering. They were arrested in Chalumna, near Mdantsane, on 5 February, four days after the declaration of a State of Emergency in the magisterial districts of Mdantsane and Zwelitsha. The regulations, covering the most densely populated parts of the bantustan, included a ban on meetings of more than four people. Rejection of bantustan rule had been growing in Chalumna and residents were reported to have returned membership cards of the ruling party to demonstrate their opposition. It was not clear whether the new administration in the bantustan would proceed with the charges (see *Bantustans*). (*DD* 10/27.2.90)

In Cape Town, a total of 35 people who staged demonstrations outside Parliament in support of hunger strikers on Robben Island (see *PRISONS*) were arrested on consecutive days at the end of

continued on p.10

DETENTIONS

Mass detentions countrywide

Considerable media attention, both international and South African, was given to changes in the emergency regulations relating to detention announced by President De Klerk in February, but less to the fact that the powers of detention under the Internal Security Act remain unchanged.

As a result of the changes, emergency detainees may only be held for up to six months and while in custody are allowed legal and medical assistance. On the other hand, Section 29 of the Internal Security Act allows indefinite incommunicado detention. Similar powers of detention under legislation in force in the 'independent' bantustans are also unchanged. Since the changes announced in February all these powers have been used and mass detentions under emergency powers occurred nationwide in response to demonstrations and protests.

ISA 29 detentions

More information has become available about events in the Pietersburg area in January. *Focus 87* reported the wounding and presumed detention of an alleged ANC combatant on 15 January in an incident in which another combatant was killed. On 16 February the names of eight men who had been detained in the Pietersburg area were reported. One, Jacob RAPHOLO, was said to have been shot and wounded whilst being pursued by police. His unnamed companion was shot dead in the same incident. On 17 February police in Pietersburg released Peter MOKABA who was detained there on 27 January. (*Focus 87* p.5; *BBC* 17.1.90, 21.2.90; *Amnesty International* 16.2.90; *CT* 19.2.90)

On 16 January police in Chatsworth, Durban, detained David MADURAI, a United Democratic Front activist, under Section 29 of the Internal Security Act. Madurai's lawyers presented an affidavit testifying to assault and torture in applying for an interdict from the Natal Supreme Court restraining the police from further attacks. This was granted on 1 March. (*WM* 2.3.90)

Emergency detentions

On 15 February a list of emergency detainees tabled in parliament brought the number so named since June 1986 to 20,231. This is not the total number of emergency detainees, but only those held for more than 30 days. (*CT* 16.2.90)

During March, hundreds more were detained under emergency regulations, particularly in the Transvaal and the Orange Free State. Mass detentions occurred in March in Khutsong, Carletonville, in Kwaguqa, Witbank, and in Katilehong, Germiston. Eight people were reported held in Kroonstad, 11 in

Welkom, 69 in Odendaalsrus and 16 in Ventersburg. The Detainees Aid Committee reported that more than 70 State of Emergency detainees in the Vaal Triangle and Orange Free State began a hunger strike in March (see also *PRISONS*). (*NN* 2.3.90; *Star* 8/10.3.90; *WM*/NN 16.3.90)

Deaths in custody

Further information has become available regarding the deaths in custody reported in *Focus 87*. The first judicial commission of inquiry into a death in detention reported on 5 March that Clayton Sizwe SITHOLE had committed suicide in John Vorster Square Police Station on 30 January. Mr. Justice R J Goldstone said in his report that, 'The provisions of Section 29 . . . were drastic and made serious inroads into rights and privileges of every citizen'. He stressed that 'regulations should be adhered to by those responsible for the well-being of detainees'. (*Star* 6.3.90)

A post-mortem carried out by police on Michael ZUNGU reported that Zungu had strangled himself after arrest, in the back of a van, on 29 January. His family have challenged the accuracy of this conclusion. Witnesses from Zungu's school testified to lawyers that he was beaten by police after a dispute over school fees and then thrown unconscious into the back of a police van. (*S Trib* 4.2.90; *WM* 23.2.90)

Khutsong

The situation in Khutsong, where police clashed with residents in January following the death in detention of 16-year-old Mbuyiselo PHIRI, worsened at the beginning of March when police occupied the township. In the week following police intervention on 3 March, 25 people were believed to have been killed, most of them shot by police. Residents reported that although at first the police fired randomly they later sought out and shot activists. It was believed that someone sitting inside police armoured vehicles was pointing them out. Amongst those killed were two members of the Khutsong Civic Association who had vital evidence about Phiri's death.

Thomas TSHABALALA and Pule Mac MOTHUPI were both in the police station at the time of Phiri's death and had told lawyers of hearing him scream shortly before he died. Mothupi and another activist, Jack MOKOENA, were shot on 4 March, and Tshabalala was shot three days later. Carletonville residents, saying that there were no unrest incidents at the time, refuted police claims that they had shot the three in self-defence after being attacked. (*CT* 23.2.90, 7.3.90; *S* 6.3.90; *DD* 12.3.90)

Community demands that the police should withdraw from Khutsong were rejected and lawyers lodged an urgent application to prevent further police action. Police had backed up their occupa-

tion by detaining and arresting residents. In one operation 1,200 policemen conducted house to house searches and arrested 820 people, most of them reportedly under the age of 20. A number of reports indicated that children as young as 11 were being held. Most of those picked up were subsequently released although 26 were detained under emergency regulations and 272 charged with what was described in the press as 'illegal immigration'. (*NN* 9.3.90; *WM* 16.3.90)

Bophuthatswana bantustan

Five members of the Temba Civic Association from Hammanskraal were detained under the bantustan's Internal Security Act in pre-dawn raids on 21 February. One of the detainees, John TLADI, was later released on health grounds. Five members of the recently-formed Christian Solidarity Movement (CSM) were also detained (see list).

Paul DAPHNE, and Mandla MAGWETYANE, both members of the Union of Democratic University Staff Associations (UDUSA) and lecturers at the University of Bophuthatswana, were detained on 13 March in Mmabatho. Students and some academic staff had been boycotting classes in solidarity with non-academic staff dismissed for refusing to end a strike over wage increases. The campus had been closed for two weeks in an attempt to end the protests. (*NN* 16.2.90, 2.3.90; *S* 23.2.90; *CT*/Star 14.3.90)

Ciskei bantustan

In the period before the Ciskei bantustan army took control of the administration, there were further mass detentions of residents acting against the authorities, in addition to the detention of 69 residents of Chalumna reported in *Focus 87*. Membership of the ruling Ciskei National Independence Party (CNIP) was a condition for receiving welfare benefits and residents had made their protests by handing in their membership cards. Thousands more residents subsequently rejected CNIP rule by handing back party cards to the authorities. (*Focus 87* p.4; *S Trib* 11.2.90; *NN* 2.3.90; *DD* 3.3.90)

In February a further 140-200 residents from the 22 villages of the Chalumna district were detained. Police and soldiers using vehicles and helicopters occupied the area and carried out mass detentions. Detentions also occurred in parts of the Keiskammahoek and Mdantsane magisterial districts, and in villages in the Zwelitsha magisterial district near King William's Town. A State of Emergency was imposed in Peelton in October 1989 after a year of anti-incorporation struggles by residents (see *Focus 86* p.12), and on 1 February similar regulations were applied to the districts of Mdantsane and Zwelitsha. (*DD* 6/7/9/10.2.90; *WM* 9.2.90; *S Trib* 11.2.90; *SS* 16.2.90)

Organisations particularly affected by detentions included the Keiskammahoek

DETAINEES — Additional to previous FOCUS lists

Date	Place	Name(Age)	Details (where known)
13.1.90	Pietersburg	Rapholo, Jacob (29)	ISA 29. Shot on arrest
16.1.90	Pietersburg	Ntsoane, Aubrey	ISA 29
16.1.90	Durban	Madurai, David	ISA 29. UDF activist
17.1.90	Potgietersrus	Madisha, Donald	ISA 29. Detained in Mahwelereng township
19.1.90	Pietersburg	Seakamela, Charles	ISA 29
31.1.90	Pietersburg	Mathole, Frans	ISA 29
31.1.90	Pietersburg	Mathole, Paul	ISA 29
Jan. 90	Pietersburg	Mabitsela, Peter	ISA 29
Jan. 90	Pietersburg	Manaka, Joseph	ISA 29
Rep.16.2.90	Bophuthatswana	Mataboge, Amos	Treasurer, Christian Solidarity Movement
21.2.90	Bophuthatswana	Makgalemele, Mr	{ BISA 25. Members, Temba Civic Association
21.2.90	Bophuthatswana	Maroha, Chimane	
21.2.90	Bophuthatswana	Mnisi, Fannie	
21.2.90	Bophuthatswana	Mothele, Raymond	
Rep.2.3.90	Bophuthatswana	Legare, Maki	{ Executive members, Christian Solidarity Movement
Rep.2.3.90	Bophuthatswana	Masia, Molly	
Rep.2.3.90	Bophuthatswana	Moteane, Helen	
Rep.2.3.90	Bophuthatswana	Tumagole, Tsholofelo	
13.3.90	Bophuthatswana	Daphne, Paul	University lecturers. Members, UDUSA
13.3.90	Bophuthatswana	Magwetyane, Mandla	

ABBREVIATIONS

Laws: BISA 25 — Section 25 of the Bophuthatswana Internal Security Act; ISA 29 — Section 29 of the Internal Security Act.

Organisations: UDUSA — Union of Democratic University Staff Associations.

Youth Congress (KYCO), the Keiskammahoek branch of the National Sports Congress (NSC), and the Mdantsane Residents Association (MDARA). (NN 2/23.2.90; DD 6/7/9/22/24/28.2.90, 1.3.90)

On 7 March it was reported that the Military Council had started releasing those detained under Section 26 of the bantustan's security legislation but no names were published of these detainees. Nor was it clear how many of the estimated 800 people detained since January had been released. (WM 9.2.90; DD 10.2.90; S 7.3.90; Amnesty International 8.3.90)

Venda and Gazankulu

An estimated 40 Venda residents, including churchworkers and teachers, were de-

tained for several days in February and then released. A month later, on 22 March, Magwedzha Phaniel MPHAPHULI, the Secretary of the Northern Transvaal Ecumenical Confessing Fellowship and General Secretary of the United Democratic Front (UDF) in the Northern Transvaal, was detained under the emergency regulations in Louis Trichardt, a few miles from the bantustan's boundary. Mphaphuli was detained for two months by the Venda authorities in August 1989. (Focus 85 p.3)

On 20 February, the day after a work stayaway and school boycott were launched in the north-eastern Transvaal non-'independent' bantustan of Gazankulu, South African police and army personnel detained an unknown number of boycott organisers and youth leaders during

house-to-house raids in Giyani and Nkowankowa. The protests called for the resignation of the bantustan's leader and the abolition of youth and cultural organisations sponsored by him and his administration. Speaking to 20,000 people attending the funeral on 3 March of two people killed by police, Peter Mokaba, the president of SAYCO, said that 'The homeland system must be abolished for ever.'

During March, South African police detained a further 18 residents in or around Giyani under the emergency regulations. Those detained, including government workers, students and teachers, were held at police stations in Levubu, Tzaneen, Mara and Duiwelskloof (see BANTUSTANS). (BBC 26.2.90; Star 6/17.3.90; Amnesty International 23.3.90)

OTHER TRIALS

continued from p.8

February and appeared in the Cape Town Magistrates Court. It is likely that they were charged under the Gatherings and Demonstrations Act which prohibits open-air gatherings and demonstrations near Parliament. An estimated 100 people were arrested in Cape Town in March following another demonstration in support of political prisoners. The march, organised by the UDF, did not have official permission and the police twice threatened to use water cannon on the marchers. (CT 28.2.90, S Trib 11.3.90)

Capital charges

In September Vuyani APRIL (19) was convicted of murder in the Grahamstown Supreme Court. April was found to have been involved in the killing of the girlfriend of a policeman in Fingo Village, Grahamstown, in January 1987. He was given a five-year sentence. Six co-accused were acquitted. The court heard evidence from April and a state witness, Thozamile TSHETE, that they had been forced to make statements. Tshete

stated that in fact he had no knowledge of two men in Mgwali. They were of the killing. (NN 15.9.89; CT 21.9.89; HRC Update Nov 89)

Eight Stutterheim men have been convicted in the East London Supreme Court of charges arising out of the kill-allegedly part of a group which set fire to and stoned two houses in January 1986. On 25 January the accused were given sentences ranging from 9 to 12 years: details of individual sentences were not reported. The convictions followed lengthy proceedings, lasting almost four years, throughout which the accused were held in custody. An application for leave to appeal has been lodged.

Mgwali, outside Stutterheim, was placed under the control of the Ciskei bantustan from 1981 and its residents threatened with removal. The threat seemed to have been lifted in mid-1986 when the central government resumed control. The Mgwali Residents' Association (MRA) led the campaign against removals and its members suffered harassment and detention. Two of the accused

were members of the MRA and others were said to have been involved in the organisation.

Two of the men, Mandla SAWULI (27) and Mxolisi NTANISO (26) were found guilty on two counts each of murder and attempted murder, four counts of assault and one of malicious damage. Mase NDEVU (25), Mkokeli SOBEKWA (26), Ndayithi DELHLAZO (35), Vusumzi MAQHUBELA (28), Mxolisi BATYI (33) and Mlandeli HABA (28) were found guilty of murder and of culpable homicide. The accused had protested their innocence throughout the trial.

Sawuli, Ntaniso, Sobekwa, Mase Ndevu and two other defendants, Mthukoko KAMA (28), and Khandela NDEVU, testified that they had been assaulted by police at the time of their arrest. In January 1989 Khandela Ndevu was sent for psychiatric observation and in October it was reported that he had been declared a State President's patient and committed to hospital. At the same time it was revealed that Kama had committed suicide in prison. (DD 16.7.88, 27.1.89, 6.7.89, 6.8.89, 5/14.10.89, 26.1.90)

BANTUSTANS

Strategies in the balance

Mass resistance in bantustan areas reached a new level after the unbanning of the ANC by the central government in February and the release of Nelson Mandela. Bantustan leaders were put under renewed pressure to align themselves with anti-apartheid forces and distance themselves from the apartheid regime, which in turn deployed the South African Defence Force to prevent the immediate collapse of bantustan structures.

During March scores of people were killed and several hundred injured in the suppression of protests. Thousands were detained without trial or arrested, but the precise numbers were not reported.

SADF props up bantustans

The bantustan leaders most closely identified with Pretoria experienced the sharpest challenge.

Three 'independent' bantustans — Ciskei, Bophuthatswana and Venda — were affected. All had seen months of open resistance, involving both a general rejection of bantustan administrations as well as protests over specific issues including enforced incorporation of communities, poor housing, high rents and taxes and police and military violence. (See recent issues of *Focus*)

The resistance, sustained in spite of months of severe repression, took on a more concerted form in February. On 7 February over 80,000 people marched through Garankuwa in Bophuthatswana, calling for the resignation of the bantustan leader, Lucas Mangope. In both Venda and the Ciskei people celebrating the release of Nelson Mandela were attacked by police — 11 were killed in the Ciskei and at least two in Venda. (Star 7/27.2.90; DD 13.2.90)

At the beginning of March the situation became critical in all three bantustans, and control depended on military action.

On 3 March, with evident popular support, a group of officers in the Ciskei bantustan army took control while the head of the bantustan, Lennox Sebe, was out of South Africa. When demonstrations of support extended to attacks on property associated with Sebe's regime, a State of Emergency was declared and units of the SADF brought in. (CT 5/6/8.3.90)

On 7 March a State of Emergency was declared in four districts of Bophuthatswana — later to be extended to the whole bantustan. SADF units were put on standby, and bantustan forces and the SADF were said by the Minister of Foreign Affairs, Pik Botha, to be 'co-operating and co-ordinating efforts to ensure stability'. (CT 8.3.90)

On 9 March, with the Venda bantustan administration paralysed by strikes and with schools closed in response to stayaways, the bantustan army and the SADF held 'a combined co-operation exercise'. Protests, however, continued, and on 5 April the head of the bantustan, Frank Ravele, resigned and the bantustan army commander took over. (S 13/14.3.90; BBC 14.3.90; GN 6.4.90)

The SADF also acted to support the authorities in the non-'independent' Gazankulu bantustan. Troops were deployed on 20 February, after the start of prolonged stayaways from school and work calling for the resignation of the bantustan leader, Hudson Ntsanwisi. Within a month at least 28 people had been killed and more than 1,100 arrested on charges arising out of the protests. (S 15/21.3.90)

Although armed force prevented these bantustan administrations collapsing, certain political changes or divisions over policy did result. The military leaders in the Ciskei declared themselves in favour of re-incorporation and said the ANC and trade unions would be allowed to operate in the area. In March the Venda bantustan leader likewise declared himself open to re-incorporation and said that the ANC and other organisations would no longer be banned — these positions were maintained when the military took over in April. While Lucas Mangope declared that Bophuthatswana would stay 'independent', another official said re-incorporation was a possible option, depending on national developments. Members of the Gazankulu legislative assembly called for the withdrawal of the SADF. (Tel 1.3.90; WM 2.3.90; CT 5.3.90; NN 9.3.90; GN 6.4.90)

Contending strategies

In bantustans where officials had previously indicated a readiness to identify with, or at least move towards, anti-apartheid forces, political rejection of the bantustan policy had different consequences. In some areas the bantustan police and the SADF continued actively and often violently to act against opponents, particularly in Lebowa. Deaths or injuries caused by police shootings oc-

curred in January and February in Qwaqwa, Lebowa and Transkei. However the leaders of these bantustans gave increasingly clear signs of a readiness to break with Pretoria.

On 21 February the head of the Lebowa bantustan, Nelson Ramodike, announced plans to co-ordinate moves in this direction by bantustan leaders. He said he would launch a 'consultative forum' for bantustan leaders to 'co-ordinate moves towards a negotiated settlement'. (S 29.1.90; Star 22/23.3.90)

These developments reflected a major struggle, not just over the future of the bantustans, but in particular their role in negotiations.

The government has not opposed proposals for re-incorporation as an ultimate goal, saying that this is a matter for negotiation. Indeed, before his removal Sebe proposed a form of incorporation aimed at pre-empting more radical changes that might arise through negotiations. (Work in Progress Jan 1990)

However, although the apartheid regime says it is ready to accept what emerges from negotiations, it wishes to structure the negotiation process itself in terms of apartheid divisions. In his speech to parliament on 2 February De Klerk addressed himself to those who participate in the bantustans and other government-created structures — their place in the negotiation process was, he said, assured. On the face of it this is incompatible with the position adopted by Ramodike who called for the dissolution of the bantustans in advance of negotiations to allow 'the people of South Africa to unite and speak with a single voice'. (Star 22.3.90)

The government's first meeting with the ANC was to be preceded on 5 April by consultations with leaders of the various apartheid political structures — the three segregated houses of parliament and the heads of the six non-'independent' bantustans. However the heads of four of these bantustans — all except Qwaqwa and Kwazulu — boycotted the meeting after the ANC postponed its talks with the government in the light of police violence in Sebokeng. Such developments have seriously put into question the attempt to use bantustans to divide the black majority during negotiations. (T 30.3.90)

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ANC sets up open structures

Preparations by the ANC for a meeting with the government, aimed at helping to remove the remaining obstacles to negotiations, were accompanied by the setting up of open ANC structures throughout South Africa. The meeting itself, due to take place in Cape Town just two months after the unbanning of the ANC, was postponed by the ANC after police killed 11 people at a march in Sebokeng. (See *POPULAR RESISTANCE*)

Walter Sisulu, elected to the ANC's National Executive Committee (NEC) in March, was appointed to chair the movement's internal structure. He and Nelson Mandela, elected Deputy President of the movement, were due to be joined in South Africa by other members of the NEC returning from exile.

Mandela in Zambia and Sweden

Mandela was welcomed in Lusaka when he arrived with Sisulu for the NEC meeting on 1-2 March, not only by the ANC's National Executive but by heads of state of many countries. Among those present were the heads of the Frontline States of Southern Africa and leaders from the Commonwealth, the European Community, the Non-Aligned Movement and other countries. In Lusaka Mandela emphasised the themes he had stressed at South African rallies in the two weeks after his release from prison. He reiterated the need for the international community to maintain pressure on Pretoria in the form of sanctions so as to maintain the momentum towards change. (Focus 87 Supplement; GN 2.3.90)

Mandela maintained his position when he visited Sweden two weeks later, to be reunited with the ANC President, Oliver Tambo, who was receiving medical treatment there. On the question of sanctions and the isolation of the apartheid regime, he said: 'Nothing has changed in the political situation in South Africa to warrant a review of our policy.' (Star 14.3.90)

Talks on obstacles to negotiations

On 17 March, while Mandela was still in Sweden, President De Klerk announced that a date for talks between members of his cabinet and the ANC had been agreed and that they would be held on 11-12 April in Cape Town. (Star 17.3.90)

The ANC's decision to engage in such talks was announced in a statement by the organisation's NEC a month earlier on 16 February. The statement noted that the steps taken by De Klerk, welcome as they were, fell short of what was needed to create a climate conducive to genuine negotiations to end apartheid and introduce a democratic political system. On his return to South Africa from Sweden on 17 March Mandela stated: 'So far the government has met only one of the demands contained in the [Harare] declaration . . . it still has to lift the State of Emergency, end political prosecutions and guarantee the safe return of all exiles.' (Star 18.3.90. See *DETENTIONS, POLITICAL TRIALS, RESTRICTIONS*)

The initial talks were to be aimed at addressing these remaining obstacles to negotiations. Even though the question of an amnesty for exiles had not been agreed, when announcing the date, De Klerk said that 'no-one would be prevented from forming part of the delegation on ground of conviction for offences inside South Africa'. (Star 17.3.90)

On 19 March the Organisation of

African Unity's Ad Hoc Committee on Southern Africa — the body which had initiated the OAU's adoption of the Harare Declaration in August last year — endorsed an ANC suggestion that a group be appointed to monitor events in South Africa. It agreed that the six-member Namibia monitoring team from the Frontline States should move to Lusaka and monitor events in South Africa. (BBC 21.3.90)

Consultation and open structures

At the March meeting attended by Mandela and Sisulu, the ANC's NEC discussed as a matter of urgency another decision it had announced on 16 February, to send some of its members back into South Africa from exile. Together with ANC leaders inside the country, they would carry out an extensive consultation with all democratic and anti-apartheid forces on the current situation and on the ANC's perspective. (ANC NEC statement 2.3.90)

A number of other ANC personnel were due to return in order to participate in the establishment of the new ANC headquarters in Johannesburg and in the establishment of regional and local structures.

The relationship between the unbanned ANC and organisations within the country which had existed legally while the ANC was proscribed, became a matter for extensive discussion. The South African Youth Congress (SAYCO) announced in February that it would dissolve and become part of the ANC's youth section. The Seshego Youth Congress in the Lebowa bantustan took a similar decision. The South African Congress of Trade Unions (SACTU), having called for a single trade union federation, decided that it would dissolve itself and that its members would become part of the Congress of South African Trade Unions (COSATU). (SS 9.2.90; Star 21.3.90)

Sources and abbreviations: BBC British Broadcasting Corporation Summary of World Broadcasts, London; Cit The Citizen, Johannesburg; CP City Press, Johannesburg; CT Cape Times, Cape Town; DD Daily Dispatch, East London; Debates Parliamentary Debates, Cape Town; DN Daily News, Durban; EP Evening Post, Port Elizabeth; EPH Eastern Province Herald, Port Elizabeth; 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, Johannesburg; SS Southscan, London; S Star Sunday Star, Johannesburg; Star Star, Johannesburg; ST Sunday Times, London; S Trib Sunday Tribune, Durban; Tel Daily Telegraph, London; T Times, London; TN Times of Namibia, Windhoek; WA Windhoek Advertiser, Windhoek; WM Weekly Mail, Johannesburg; WO Windhoek Observer, Windhoek.



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