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# focus

## ON POLITICAL REPRESSION IN SOUTHERN AFRICA

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## VIGILANTES: 'STATE TERRORISM' POLICE-BACKED FORCES TERRORISE TOWNSHIPS

The South African government has attempted to destroy anti-apartheid organisations through detentions, bannings, emergency restrictions and physical attacks. Armed groups of 'vigilantes' are being increasingly used in the attack on democratic organisations. These groups, which operate with varying degrees of state backing or involvement, use violence and terror in attempts to destroy resistance and to help collaborators with the regime assert control. They are now being incorporated into police forces, especially Municipal Police and the Special Constables.

Many of the groups known loosely as vigilantes are linked to bantustan authorities. In the Ciskei, Lebowa and Kwandebele bantustans vigilantes have been particularly active and brutal, killing and assaulting members of youth organisations, United Democratic Front (UDF) structures and trade unions.

In the Pietermaritzburg area Inkatha groups linked to the Kwazulu bantustan authorities have been battling against UDF organisations and the Congress of South African Trade Unions (COSATU) (see *FOCUS* 74, p.3). By the end of last year more than 270 people had been killed in the fighting around Pietermaritzburg and there were many more deaths in the first few weeks of 1988. (MS 6.1.88)

The UDF and Inkatha issued a joint call for peace at the end of November. UDF leaders called for an end to violent intimidation and for restrictions to be lifted so that they could consult with their supporters. In early December the UDF organised a public rally attended by 10,000 people at which supporters were told not to retaliate violently to attacks on them. Calls for an end to the conflict were also made

by Archbishop Tutu, Govan Mbeki and ANC President Oliver Tambo. But the Kwazulu leader Gatsha Buthelezi aggressively declared that there was little prospect of ending the violence, and Inkatha pulled out of local peace talks in December.

UDF efforts to stop the violence were undermined by detentions of local and regional leaders and by State of Emergency restrictions. Up to 1,000 UDF and COSATU members were reported to have been detained during 1987 in the area. Amongst those detained were at least 30 representatives involved in the peace negotiations. (SS 25.11.87, 6.12.87; *Saspu National* December '87; CT 7.12.87; DN 30.12.87, 4/8.1.88)

In the first week of January South African police reinforcements were moved into the Pietermaritzburg area, a development which the UDF said would lead to further Inkatha vigilante attacks. Lawyers have collected affidavits from residents supporting claims that police have either not acted against vigilantes or stood by when vigilantes launched violent attacks. Kwazulu bantustan police are also active in the area, and have been deployed to guard the homes of Inkatha officials. This force is commanded directly by Gatsha Buthelezi, who holds the post of 'Minister of Police' in the bantustan. (*Saspu National* December '87; *S Star* 13.12.87; MS 6.1.88; SS 7.1.88)

The vigilante onslaught in the Pietermaritzburg area can be traced back to mid-1985, when Inkatha gangs attacked UDF members who were co-ordinating a consumer boycott. In response, organisations formed 'self-defence' structures. With bantustan-based authority in the area under challenge from the expansion of UDF community and youth organisations and trade unions, Inkatha initiated an intimidatory recruitment drive in August last year. This sparked community resistance and violent vigilante retaliation. (*S Star* 13.12.87; SS 16.12.87; *Star* 9.1.88; GN 26.1.88)

Vigilante groups have been terrorising anti-apartheid activists throughout South Africa. Assassination squads thought to consist mainly of policemen and supporters of far-right groups like the Afrikaner Weerstandbeweging are believed to have been responsible for murdering several leading anti-apartheid campaigners. (*South* 23.7.87; *Sechaba* December '87)

In many townships gangs with names like 'Champions', 'Sharp', 'Witdoeke', 'Eagles' and 'A-Team' have become active. Some are linked to local administrative structures like Black Local Authorities, others have been set up by the police. Many are drawn from criminal gangs.

Vigilantes have been recruited as Special  
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# south africa

## THREAT OF EXECUTIONS

The campaign against political executions in South Africa was stepped up following the failure of the appeal by the Sharpeville Six in December. The regime faces the broadest and most co-ordinated demand ever for the commutation of the sentence on the six. The five men, Mojalefa Reginald SEFATSA, Malebo Reid MOKOENA, Oupa Moses DINISO, Duma Joshua KHUMALO, Francis Dan MOKHESI and one woman, Theresa RAMASH-AMOLA, were convicted in December 1985 for allegedly killing a local councillor in Sharpeville during a rent protest. In mid-January they petitioned President Botha for clemency – the last step left before execution. (FOCUS 74 pp. 6,7)

At the end of January there were almost 50 people awaiting execution in South Africa for offences arising out of political protest.

- The killing of an alleged vigilante led to a death sentence and four long prison terms in the Ciskei Supreme Court in November. Them-biseli BANETI (35) of Alice was the oldest among 18 accused charged with the murder of Kwezi Nyenyana in July 1986. No details of the incident were available except that the man was burnt to death.

Defence lawyers asked, for the discharge of all the accused at the end of the State's case, saying there was insufficient evidence to convict.

Thirteen of the defendants were finally acquitted while Baneti received the death sentence and four 18-year-olds were imprisoned. Xolani SONQAYI received 20 years, Koliswa SETI and Nyiki NAKANE received 15 years and Mawethu MABONA received 12 years. All five were granted leave to appeal. (WM 13.11.87; CP 15.11.87)

- In another case in the Eastern Cape, Mtutuzeli Bottoman NGQANDU (22) was sentenced to death at the end of a trial marked by reluctant witnesses and descriptions of police torture. The case arose from the killing of a policeman in Soweto, Port Elizabeth, on 22 September 1985.

Ngqandu stood trial with six others in the Supreme Court in Uitenhage in August: Koko Tozama NQABA (18), Zamuxolo MAHE (18) (sometimes referred to as an unnamed youth of 17), Mncedisi Nimrod BIKA (23), Ntsikelelo Michael MDODA (24), Mvuleni Ambrose MDE (21) and a youth of 15 years. They had been in custody since the killing two years before.

Two state witnesses told of being assaulted and forced to make police statements. Vuyani Maxwell Nkothobe was taken to the Berry's Corner police station the day after the killing and asked to identify a group of men who were paraded outside. One of those he pointed out was Ngqandu whom he had seen the day before at a cafe. Nkothobe was 'struck and kicked' and had a rubber tube twice pulled over his face to force him to recount what Ngqandu had told him after the killing. Eventually he succumbed because he did not want to 'stay in jail for something he knew nothing about'.

Thembakazi Cynthia MONI (25) totally refuted her statement when called to take the witness stand. She told of being taken from her home to Algoa Park Police Station and being forced to say something about the killing. In court she said she spent the evening of the murder inside, watching TV with four other people including one of the accused, Mdoda.

More details of police violence were revealed in a 'trial within a trial' to determine the admissibility of statements made by the accused. A former policeman admitted seeing injuries on Ngqandu after he had been taken to Louis Le Grange Square for interrogation. Hennie Kriel said Ngqandu told him he got the abrasions on his body when he was trampled while lying on the floor. Kriel said he recorded the injuries, which he observed while Ngqandu stripped before making a statement.

Warrant Officer Strydom denied assaulting Ngqandu or threatening him with death. The defence charged that Strydom allowed junior policemen to beat up Ngqandu in a blood-spattered room. Under cross-examination Strydom acknowledged it was 'common knowledge' that people had died in police custody and said that he had himself been involved in investigations into such deaths.

Evidence by police also shed light on methods used to suppress resistance in Soweto in September 1985. Detective Sergeant D F Kozana said he and others had gone there 'to combat unrest and enforce emergency regulations'. The area was cordoned off by the South African Defence Force and both uniformed and plain-clothes police were patrolling. He admitted that he was taken to Ngqandu's house by a boy of about 10 years of age whom police had accused of being a comrade. The terrified boy then 'volunteered' to take Kozana to the 'leader of the comrades'.

At the end of the state's case three of the accused were discharged. Nqaba was later acquitted while Bika and the 15-year-old were convicted of assault with intent to do grievous bodily harm. Their prison terms of three years were conditionally suspended in view of the two years they had already spent in custody. On 9 November Justice Foxcroft sentenced Ngqandu to death. Although Ngqandu would only have been 20 at the time of the offence the judge apparently rejected youthfulness as a factor in sentencing. He also refused Ngqandu leave to appeal. (EPH 4/19/20/21/22/25/26.8.87; Star/DD 10.11.87)

- William NTOMBELA, a shop steward with the Commercial, Catering and Allied Workers Union (CCAWUSA) was sentenced to death in the Rand Supreme Court on 12 November. Ntombela, a migrant worker from Natal, was employed at Nel's Dairy Johannesburg.

In July 1986 he led about a thousand workers in a strike against the recently imposed State of Emergency and the detentions that followed. He was convicted of killing a strike-breaker. He was also sentenced to 12 years for the murder of a security guard at Bliss Dairy and given two eight-year sentences for the attempted murder of a Nelsrust Dairy worker and a worker at Checkers in Halfway House. No details of the trial were reported. CCAWUSA instructed its lawyers to appeal on his behalf. (S 1.12.87; NN 3.12.87; WM 4.12.87; FOCUS 71 p.7)

- Also in the Rand Supreme Court, on 25 November, Abraham MNGOMEZULU (23) was sentenced to death for the murder of a police informer. Mngomezulu appeared with four co-accused: Raymond NGWENYA (19), Timothy TSHABALALA (18), Talitha MATSITSE (18) and a youth of 16 years. They were alleged to have been amongst a crowd of some 20 or 30 people who attacked Mandla Khoza, stabbed him and finally burnt him to death in April 1987. Many of their names featured on a list which Khoza had handed over to the police.

Khoza was killed in the Naledi section of Soweto during a stayaway by thousands of Sowetans in support of the rent boycott and in protest at evictions by the Council.

Khoza was the second fatality of the stay-away. Patrick PHOKOJOE died in hospital after being shot in the head by police. A report at the time said Mrs. Khoza (presumably a relative) had refused refuge to Phokojoe when he was fleeing from the police. The house was subsequently attacked and Khoza killed. (Star/S 22/23/24/30.4.87)

Evidence against the five came from a number of witnesses, some unnamed, who had seen and possibly participated in the attack. It was clearly given under duress. Some of the accused also gave evidence.

Justice O'Donovan ruled there were extenuating circumstances in favour of all but Mngomezulu, whom he sentenced to death. No details of the other sentences were reported. (DD/Star 5.5.87; Star 21.5.87, 15.10.87; S 14/15/16.10.87, 20/24.11.87; Cit 26.11.87)

- At the beginning of November leave was granted to Miki YELANI (21) to appeal against the death sentence passed on him in the Grahamstown Supreme Court in September. Yelani was convicted of murder following the death of a man in Langa, Uitenhage in April 1985. Yelani did not physically participate in the killing but the court found that he had chaired a 'meeting' or 'tribunal' at which the man was 'sentenced to death'. This finding was the basis of Yelani's appeal – his counsel argued that it had not been proved either that Yelani 'presided' at the meeting or that the meeting had sentenced the man to death. He also argued that the court was wrong to deduce that decisions taken at such 'comrades' courts were inevitably carried out. Yelani's youth – he would have been no more than 19 at the time – was an additional extenuating circumstance put forward.

Yelani was convicted by Justice Kannemeyer together with Gloria NGESIMANI (24), Wellington MATUVANA (43) and Mbuyiseli NGESIMANI (37). It was established that Thami Ntshenge was stoned and set alight after being held responsible for burning down the Ngesimani family's home. They were both found to have actually participated in the killing of Ntshenge. Mbuyiseli Ngesimani threw the first stone and his wife had 'exhibited a willingness to do so' while Matuvana had recaptured Ntshenge after he had escaped from the meeting which allegedly condemned him. In all these cases the judge found extenuating circumstances but was reported as saying that the fact that Yelani was not present at the killing 'did not constitute an extenuating circumstance'. Mbuyiseli Ngesimani was sentenced to 17 years while Gloria Ngesimani and Matuvana each received 15 years. (EPH 29.8.87, 30.9.87, 4.11.87; CP 4/11.10.87)



## REVIEW: FORCED REMOVALS

During 1987 some new trends in the government's forced removals policy emerged within its wider strategy of 'orderly urbanisation'. While allowing Africans to settle outside the non-'independent' bantustans, subject to the availability of suitable housing, local authorities were given more powers to demolish illegal squatter camps and clear areas deemed to be 'slums' and 'health hazards'. (See *FOCUS* 65 p.8, 70 p.9)

During the year local authorities used these powers to demolish illegal squatter camps or 'upgrade' existing townships. Several communities also faced removal simply because they were near to expanding white residential areas. Anti-apartheid organisations feared that upgrading programmes would lead to the removal of thousands of people unable to afford rentals and site-and-service charges for newly constructed housing. (*National Committee Against Removals Report No.4, Sept 1987 pp.3-4*)

### 'UPGRADING'

● **Western Cape** In the Cape Town area it remained government policy to move residents of squatter communities to Khayelitsha township. (*FOCUS* 58 p.12) In December almost 600 people were forcibly moved there from Noordhoek. Several smaller communities also faced removal, as the year closed. (*NCAR Report, Sept 1987 pp.4-5; South 10.9.87; CT 3/4.12.87*)

● **Southern Cape** African and Coloured residents of Lawaai kamp, a shanty town near George, won a crucial legal victory in May. The Cape Supreme Court ruled that the George Municipality's declaration of the settlement as a squatter camp was illegal - residents had paid service charges to the municipality for years. The court also ruled that it was illegal to demolish shacks using the provisions of the National Building Regulations - the municipality had waived its right to enforce these by allowing unregulated structures to be inhabited for so many years. (*South 10.9.87; WM 2.10.87*)

● **Eastern Cape** Following the forced removal of Langa, near Uitenhage, several other communities in the region have been targeted for removal. Half the residents of the 10,000-strong community at Red Location (Port Eliza-

beth) are to be moved to Motherwell 20 kilometres away. What remains of the township is due to be upgraded. In October 1987 several smaller squatter camps in the Port Elizabeth area were also designated for removal to Motherwell. (*FOCUS* 68 p.3; *NCAR Report No.4, Sept 1987 p.8; City Press 11.10.87*)

● **Border region** Although Duncan Village in East London was relieved from full-scale removal in 1983, plans to upgrade the township went ahead in 1987 and building regulations were invoked to demolish shanties erected on vacant lots. (*NCAR Report No.4, Sept 1987 p.9*)

● **Natal** In January 1987 Pietermaritzburg local authorities demolished the Northdale settlement using the provisions of the Prevention of Illegal Squatting Act. In other parts of the province communities once threatened with removal were targeted for upgrading. (*NCAR Report No.4, Sept 1987, pp.9-10*)

● **Transvaal** During 1987 there were widescale removals of informal settlements using a variety of regulations, especially in the Pretoria-Witwatersrand-Vaal area. (*FOCUS* 68 p.3; *WM 10.7.87; FM 30.10.87*)

In August the government announced plans to purchase the freehold farms of 45,000 people engaged in subsistence farming at Daggaskraal in the Eastern Transvaal and redevelop the area as a rural township. The area had been re-prieved from incorporation into the Kangwane bantustan earlier in the year. Residents strongly opposed the new plans, which would lead to the destruction of their farming activities and dispossess tenants. (*Star 13.8.87; S 24/26.8.87*)

## INCORPORATION AND CONSOLIDATION

When forced removals were suspended in February 1985 the incorporation of some 30 areas into the bantustans was also reviewed. The incorporation of some of those communities will now go ahead. (*FOCUS* 70 p.9)

● **Bophuthatswana** The 10,000 residents of Braklaagte near Zeerust in the Western Transvaal have maintained a long campaign against their incorporation into the bantustan. They won a partial concession when the authorities agreed that they could retain their South African citizenship, even after the incorporation of their land. The community, however, remains opposed to incorporation. (*NN 2.7.87; NCAR Report No.4, Sept 1987, pp.12-13*)

● **Ciskei** In this bantustan 2,000 people who were removed from Blue Rock to Potsdam in 1982 continued resisting their forced resettlement inside the Ciskei. They resented paying bantustan taxes, the pressures on them to become members of the ruling Ciskei National Independence Party and attacks by vigilantes. They fled the Ciskei twice in the course of 1987, settling on each occasion on a stretch of road across the bantustan's boundaries. Each time they were forcibly moved back to Potsdam by police and troops. The refugees also sought legal redress. In August the Bisho Supreme Court granted an interim order restraining Ciskei police from assaulting them. (*Work In Progress No.48 July 1987, pp.13-16; NN 6.8.87, 11.11.87*)

● **Kangwane** Thousands of people living in Badplaas in the Embhuleni Valley (Carolina) in the Eastern Transvaal are faced with removal because the area is due for incorporation into the bantustan, according to government plans announced in August. Earlier plans to forcibly remove the community were dropped in 1983. The addition of the 12,000 hectares of Badplaas land to Kangwane was made conditional on the 'voluntary' removal of the community to another part of the bantustan. (*Star 12/20.8.87*)

● **Kwandebele** In December the government announced that the township of Ekangala in the Western Transvaal had been incorporated into Kwandebele. (*FOCUS* 63 p.3)

● **Qwaqwa** In December the government declared that the vast resettlement area of Botshabelo near Bloemfontein had been incorporated into Qwaqwa, 330 kilometres away. Some 750,000 people are affected. Plans for incorporation were strongly resisted by local organisations when first mooted. (*WM 27.11.87, 4.12.87*)

## GROUP AREAS

According to official figures released in September, 6,414 families (approximately 32,000 people) were still faced with removal in terms of the Group Areas Act. In the course of the year government officials also indicated that action might be taken to remove African, Coloured and Indian tenants from the city centres of Cape Town, Durban and Johannesburg, in order to reverse the trend toward informal integration in these areas. The declaration of Kleinskool, a mixed African and Coloured community near Port Elizabeth, as a Coloured Group Area suggested also that removals might be stepped up against mixed communities. (*EPH 13/23.7.87; CT 18.9.87*)

## VIGILANTES

contd. from p.1

Constables or Municipal Police. Many, if not most of the Special Constables in the Cape Town area have been recruited from 'Witdoeke' vigilantes who attacked and partially destroyed the KTC squatter settlement in collaboration with the police in 1985. Similar recruitment patterns have been reported from the Eastern Cape. (*FOCUS* 69 p. 3, 74 p.8)

Areas in which there has been sustained and militant democratic organisation have been amongst the hardest hit by vigilantes. These include the East Rand and Eastern Cape townships. In Kwanobuhle and other townships near Uitenhage and Port Elizabeth, vigilantes backed by Special Constables and Municipal Police were especially active during the second half of last year.

Large-scale vigilante activity in the Uitenhage area first occurred on 4 January last year when a large mob marched through Kwa-

nobuhle attacking the homes of youth and community leaders. Police followed the mob but made no attempt to intervene, instead arresting people attempting to escape. The vigilantes were later said to be supporters of the Ama-Afrika organisation headed by Rev Mzwandile Ebenezer Maqina. (*FOCUS* 69, p. 3; *South 23.7.87*)

Maqina claims to be an 'Africanist' and has been quoted as calling for the 'necklacing' of people who support the Freedom Charter. He has been active in black consciousness organisations, but was expelled from AZAPO in 1985 after organising attacks on the UDF, allegedly with police support. He then set up a branch of the Azanian National Youth Unity movement, but was also expelled from this organisation. (*WM 13.11.87; CP 29.11.87; South 3.12.87*)

Although Ama-Afrika uses Africanist rhetoric, it is clearly working hand-in-hand

with the police. Maqina has been appointed head of one of the committees of the Port Elizabeth mini-Joint Management Committee (JMC), the state body responsible for overseeing 'security' in the area. JMCs co-ordinate repression by the army and police and intelligence-gathering and propaganda campaigns, under centralised military supervision. (*WM 13.11.87*)

Ama-Afrika vigilantes, sometimes supported by Municipal Police, terrorised community leaders and UDF supporters throughout 1987. Gangs of youths attacked residents and destroyed property. A memorial to those killed in the Langa massacre of 1985 was destroyed, and the president of the Uitenhage Residents' Congress was severely wounded in a knife attack. (*WM 3.7.87; EPH 16.7.87; South 23.7.87; NN 27.8.87*)

# DETENTIONS

On 20 October 1987 about 120 emergency detainees held at Johannesburg Prison, including at least 15 children under the age of 18, sent a strongly worded memorandum to the Minister of Law and Order Adriaan Vlok.

In this, their third memorandum to the Minister, the detainees insisted that they were not pleading for favours from the Minister, but were 'simply demanding to be treated on the basis of the principles of law and justice that are operative throughout the world'. (*Letter from detainees to A Vlok, 15.10.87*)

This demand was reinforced by Eric MOLOBI, co-ordinator of the National Education Crisis Committee (NECC) who was detained on 7 December 1987. In a letter smuggled from his cell he wrote: 'I don't feel pity for myself nor do I think that my fellow detainees ask for mercy. What we want is for the civilised world to take heed and note. Even from the dungeons of apartheid shame and human degradation, we raise our voices for the world to know that we still believe in democratic rule, we still believe in human rights and human freedom, even for those who keep us in conditions such as we experience daily.' (*GN 29.1.88*)

Thozamile TAAI, one of 20 South African Railway and Harbour Workers Union (SARHWU) members held under Section 29 of the Internal Security Act who went on hunger strike, was admitted to hospital in January after fasting for 24 days. Taai, a diabetic and the first hunger striker known to have been hospitalised, was reported to have survived on water only. His family said that he had been feeling dizzy and complained of frequent headaches but was determined to continue the hunger strike until he was either charged or released. Police revealed that the docket on Taai's case had been referred to the Attorney-General for a decision on prosecution. Taai remained in detention after seven SARHWU members, including Justice Langa, the union president, were released on 11 January on the eve of a court challenge to their detention. Taai was subsequently charged with inciting an illegal strike but the charges were dropped and he was released on 25 January. Fourteen SARHWU members then remained in detention - 11 under the Internal Security Act and three under emergency regulations. (*NN 7.1.88; Star 8.1.88; S 14/26/27.1.88*)

International campaigns continued in support of demands by the detainees for their release. In Britain about 300,000 people, including the Archbishop of Canterbury and other church leaders, the general secretary of the Trades Union Congress and Lynda Chalker, the deputy foreign minister, signed a petition which was due to be delivered to P W Botha on Human Rights Day. About 30,000 keys and 20,000 postcards addressed to Botha were dropped outside the South African Embassy's main doors in New York on 15 December as part of the 'Unlock apartheid jails' campaign. (*CT 10/11.12.87; Star 16.12.87; Anti-Apartheid News-Release, December 1987*)

## DEATH ON ARREST

During the second half of 1987 and early 1988 more examples were reported of killings by police - in some cases these appeared to amount to summary execution.

- In at least two known incidents Casspir armoured vehicles were used to kill residents in houses where ANC guerrillas were said to be present. In Motherwell township near Port Eli-

zabeth a man and a woman were killed on 7 July after police crushed their shack using a Casspir. Police alleged they had come under fire when they attempted to enter the home. They claimed that their call on the occupants to come out was met with renewed gunfire. (*DD/EPH 8.7.87*)

In another incident on 10 December in the township of Soweto near Port Elizabeth police used a Casspir armoured vehicle to flatten a home. There was some initial confusion about the number of casualties but it seemed two trained combatants and an alleged collaborator were killed. At the time they were named as Mlungu SOKUPHA, reported as having 'skipped the country' early in 1987, a 29-year-old known only as 'MPUMI' and Thozama FIBI. Later reports announced a memorial service for one Michael Ntsikelelo MKHETHI said to have been killed in the action. Mkhethi came from the Transkei bantustan. The owner of the home, Viva OLIPHANT was seriously wounded in the incident and was held under guard at Livingstone Hospital. A neighbour Everly HLABATHI (50) was also injured - according to the police, she was wounded by fire from an automatic weapon.

Eye witnesses said that the operation appeared to have been a planned one involving many security police cars as well as the Casspir. Screams were heard from those in the shack. Police claimed, as in the earlier incident, to have seized weapons and a quantity of ammunition. (*WM/Ind 11.12.87; EPH 12.12.87; DD 22.12.87*)

- On 26 November in Mamafubedu township near Petrus Steyn in the Orange Free State, Josias TLAKI, 15, was shot dead in his home by police.

Police alleged they were refused entry to the house when they went to investigate charges of malicious damage to property and public violence. According to the police, they used tearsmoke to force the occupants out and then went in themselves. They said they found a bedroom locked and, in the words of a spokesman: 'When they entered the room a 15-year-old youth attacked them with an axe and he was fatally wounded by a police shot.' Tlaki's family said he was killed while police were ordering them to vacate the house. Some of them subsequently sought shelter in neighbouring townships. (*NN 3.12.87*)

- **Sicelo Godfrey DHLOMO** (18), a member of the Soweto Students Congress and a part-time volunteer with the Detainees Parents Support Committee (DPSC), was killed in Soweto on 24 January. His parents were given the news the following morning by police who claimed they had been tipped-off by an anonymous caller that the body of a youth was lying on open ground in Emdeni. They further claimed that they discovered his identity from a book in his pocket.

Dhlomo had experienced many forms of police harassment during his short life. Between June and December 1986 he was detained under the State of Emergency. He was then charged with murder and was acquitted. Later charges of public violence and arson were withdrawn. In October 1987 he was again detained for questioning: in an affidavit, his mother maintained that her son was kicked and beaten all over his body before being released the same day.

Dhlomo himself appeared in a television documentary made by CBS and broadcast in the United States in December 1987. It was filmed in South Africa without official permission in March 1987. In it Dhlomo told of his

experience of torture in detention. Just days before his death, Dhlomo was questioned for four hours by 14 police after being picked up by them during a raid on the DPSC offices in Johannesburg. Police admitted that they had established Dhlomo's identity from the CBS video and that he was recognised by police who went to the offices. He was interrogated about his role in the CBS documentary.

Police claim that in a sworn affidavit, Dhlomo alleged that his interviewer 'instructed him to tell, into the camera, how and when he had been detained and to say that he was man-handled and beaten'. CBS strongly repudiated the allegation and Frank Chikane, general secretary of the South African Council of Churches, demanded that Dhlomo's alleged affidavit be made public.

In a press statement on 26 January the DPSC listed the names of 13 other political activists who had died or disappeared during the past six years in circumstances that suggest political murder or abduction. Most of the cases remain unsolved. Chikane attributed the failure to solve the cases to the fact that 'security forces are here to defend apartheid'. (*S 17.1.88; Star 26/27/28/29/31.1.88*)

## INQUESTS

In November 1987 an inquest in the Boksburg Magistrates' Court into the death in detention in December 1986 of **Simon Matanzima MARULE** heard evidence of grossly inadequate medical care for detainees. Marule, a KwaThema student and former branch chairman of the Congress of South African Students, died of kidney disease twenty four hours after being taken to hospital from Modder Bee Prison. He had been in detention for six months. Lawyers for his family questioned whether his death was 'inevitable' or 'had been hastened by any act or omission' on the part of his captors.

According to Marule's fellow detainees, as well as medical records, he claimed to have been assaulted by police soon after his detention. Ezekiel 'Sakkie' Kekana, who shared a cell with Marule at Dunottar police station, said that his 'entire face was swollen and in particular his left eye was very swollen. The inside of that eye was very red'. He also had 'strip marks on the back of his arms'. Marule told Kekana that the police 'assaulted him by hitting and kicking him, and further hitting him with their rifle butts', but this was ruled as 'hearsay' by the court.

A medical expert said that Marule would have shown symptoms of his disease 'weeks not days' before he died. These were 'sleepiness, headaches, stomach pains, short breathing and oedema (swelling as a result of fluids overloading the body)'. Evidence from other detainees said that the prison authorities ignored Marule's complaints about his health. Lieutenant van der Westhuizen, the medical assistant responsible for deciding whether inmates should be referred to the district surgeon, was said to have told Marule 'you eat too much' when he complained of swelling to his face. During a sick parade he was also said to have passed on to the next person in the queue while Marule was still trying to report his ailments. Van der Westhuizen admitted that the 4,600 inmates at Modder Bee received 'unsatisfactory medical examinations, based on limited sessions worked by district surgeons.' However, he denied 'avoiding' Cell 8 where Marule was held after complaints from the inmates about Marule's lack of treatment. At one stage Kekana reported this to the head of



the prison.

Washington Sithole, supported by other affidavits, told of Marule's worsening condition – he found breathing difficult and slept all day. Then Theophilus Mofokeng described Marule's last days: 'Marule collapsed in the toilet. Foam was coming from his mouth. He was pulled up and placed on the bed. The intercom to the reception was not on. The cells then made noise. When our cell did contact the reception and the warders were told that Marule was sick, the warders replied over the intercom words to the effect that "Julle lieg, julle kaffers, slaap (you lie, you kaffers, sleep)". The detainees persisted and Marule was taken to hospital.'

Earlier that day Marule had complained of a swollen face and ankles, a burning sensation when urinating and abdominal pain. After examining him a doctor named Dyson recommended he be checked at hospital. However, he carried out neither blood nor urine tests and did not mark the referral to hospital as 'Urgent'.

The inquest was due to resume on 25 January 1988. (*Star* 17/18/20.11.87; *WM* 20/27.11.87)

● No date has been announced for an inquest into the death of **Nobandla Elda BANI** (58) on 9 July 1987. However more details about her death have been publicised. Bani allegedly died of a heart attack while being held in the prison hospital at North End Prison in Port Elizabeth. Post-mortem results from a family pathologist revealed that she had 20 'wounds covered with scabs on her shoulders and upper arms'. Bedsores and large blisters were found

on her buttocks and there were 'abrasions due to external pressure' on her ankles. According to fellow detainees Bani 'could not control her private functions' after returning from hospital where she spent a week undergoing treatment. (*GG* 18.8.87; *FOCUS* 73 p.6; *South* 17.9.87; *NN* 23.9.87)

## CHILDREN IN DETENTION

A Detainees' Parents Support Committee report of 2 December 1987 revealed that contrary to government claims, there were at least 217 children in detention at the end of November. Many of those detained continued to suffer abuse and torture in the hands of the police.

The DPSC report maintained that about 25 per cent of all those detained during the State of Emergency had been charged and they included a 13-year-old, six 14-year-olds and eleven 15-year-olds. The charges varied from murder to 'terrorism' and subversion, intimidation and possession of banned literature. Ten children were known to be held under Section 29 of the Internal Security Act. A DPSC survey of 132 young people revealed that 57 per cent of the sample had been in detention for over one year. (*DPSC* 2.12.87; *Star* 10.12.87)

Linda Zama, an attorney whose clients are mostly children under 18, including those as young as 11, told of the pain and horror that these children have gone through. She has examined 'children whose wrists were bruised by handcuffs, observed children with lacerated tongues from electric wires pushed into their mouths during interrogations by the police . . .

I have seen children with swollen eyes and gashed foreheads after they have been struck with rifle butts. I have had to get court orders restraining the police from assaulting my clients.' She concluded that detention is used to get at the children's parents, to brainwash the child, as psychological warfare to break a child and, most importantly, to gather information. 'Children are forced to talk against their will, if they refuse they are tortured.' She told of an incident when she accidentally 'walked into a room where children were being tortured. I saw a group of 20 uniformed policemen, all carrying rifles, forcing a group of children to engage in very strenuous exercises. Some were crying, others were in shock, just blindly obeying. Another group of children, including five 11-year-olds, were squatting against the wall waiting for their turn. They were also closely guarded by police carrying very huge guns. Not pistols, but rifles.'

Children have gone through some traumatic experiences in detention as evidence in the recently held Harare conference showed.

Children have been made to watch torture of others and listen to the screams of others being tortured in adjacent cells. They have been denied access to family, lawyers and friends. On the other hand the State of Emergency grants immunity from prosecution to police and military personnel. (*New Africa* February 1988; *People's Daily World* 28.10.87; *FOCUS* 73 p.11)

## DETAINEES — Additional to previous FOCUS lists

Oct.'87	Guguletu	JONAS, Bongani	ISA 29
Oct.'87	Worcester	LUMKA, Nyamazza	ISA 29
Oct.'87	Worcester	MAGOMA, Xolile	ISA 29
Oct.'87	Guguletu	MAHLELI, Charles	ISA 29
Oct.'87	Guguletu	MAQHOGI, Monwabisi	ISA 29
Oct.'87	KTC	MPEDI, Mabuta	ISA 29
Oct.'87	Worcester	RASMENI, Mhlotsana	ISA 29
Oct.'87	Worcester	TUSHA, Malungisa	ISA 29
14.10.87	Kraaifontein	THEYS, Eric (32)	WECTU; Deacon, NG Sendingkerk (see <i>FOCUS</i> 10-13)
22.10.87	Guguletu	NDUDE, Aipheus Nkwane	ISA 29. Adult Learning Project (see <i>FOCUS</i> 10-13)
Rep.5.10.87	Cape Town	BESTER, Isaac	ISA 29. WECTU
10.11.87	Guguletu	NDUKU, Mbuto	ISA 29
18.11.87	Johannesburg	MATHEBE, Fawcett	{ SAYCO Treasurer
18.11.87	Johannesburg	NKUNA, Joe Harold	{ SAYCO Religious co-ordinator Released 22.12.87
18.11.87		SEFOHLELO, Andy	{ SAYCO Cultural co-ordinator
19.11.87	Bisho	DALI, Hemming	CCAWUSA Shop steward. Released 17.12.87
23.11.87	Alice	STOFIE, Nambitha	{ Shepherd Mayethula is a lecturer at the University of Fort Hare
23.11.87	Alice	DICK, Thamsanqa	
23.11.87	Alice	MAYATULA, Shepherd	
23.11.87	Alice	MDLELENI, Phumla	
23.11.87	Alice	MNQAYI, Siphso	
24.11.87		HOKOLO, Monde	ISA 29
24.11.87	Worcester	NDLUMBINI, Patrick	ISA 29
27.11.87	Mamafubedu	Five unnamed people	Police shooting of 15-year-old youth in police raid on house
Dec.'87	Malunga Park	YENGANI, Toni	ISA 29
1.12.87	New Crossroads	MAKASI, Caroline	ISA 29
4.12.87	KTC Squatter	Unnamed man	KTC Masincedane Group executive committee
6.12.87	Northern Cape	CRUTSE, Khotso	ISA 29. Huhudi Civic Association
8.12.87	Kwandebele	MAHLANGU, Ndaweni Johannes	Released by court order 7.12.87, rearrested next day
10.12.87	Soweto (PE)	OLIPHANT, Viva	{ In hospital under police guard after police killed 3 people in Port Elizabeth (see <i>DEATH ON ARREST</i> )
10.12.87	Zwide	PITYANA, Lizo Grant (40)	ISA 29. Former President, PEBCO (see <i>FOCUS</i> 35-6)
15.12.87	Orange Free State	Unnamed man	At roadblock after death of companion in hand grenade explosion
16.12.87	East London	GIFFARD, Chris	{ ISA 29.
16.12.87	East London	HATHORN, Paula	{ ECC On return from Zimbabwe. Released 23.12.87
1.1.87	Owaqwa bantustan	5 Unnamed people,	Three alleged guerillas and two supporters
12.1.88	Soweto	MBULI, Mzwakhe	ISA 29. UDF Cultural organiser
Rep.18.1.88		BOLA, Z.	ISA 29

## ABBREVIATIONS

Laws: ISA – Internal Security Act *Organisations*: CCAWUSA – Commercial Catering and Allied Workers Union of South Africa; ECC – End Conscription Campaign; SAYCO – South African Youth Congress; UDF – United Democratic Front; WECTU – Western Cape Teachers Union

# POLITICAL TRIALS

## MASIBUKU AND MADONSELA

Patrick Vos MASIBUKU (27) and Nhlanhla Jeffrey MADONSELA (25) were convicted of 'terrorism' in the Nelspruit Regional Court in December for allegedly planting a landmine in furtherance of the ANC's armed struggle. The landmine exploded at Kanyamazane in the Kangwane bantustan on 29 July 1986, causing R20,000 worth of damage to a South African Defence Force Buffel armoured vehicle. One National Serviceman suffered a perforated eardrum when the vehicle detonated the mine.

During the trial a member of the Security Branch stated that the police did not keep a record of injuries sustained by detainees. In particular Sergeant John Walters admitted that he noted in the police occurrence book that Madonsela had no injuries although he knew this to be false. He was reported as saying that this occurred in the case of most detainees.

These admissions were made during a 'trial within a trial' to determine the admissibility of statements made by the accused. No details of the men's injuries were reported but Moroa Patrick Barry PULE, who appeared with Masibuku and Madonsela in a separate trial, was suing the Minister of Law and Order for injuries sustained during an assault at Nelspruit Police Station: a fractured finger and a broken tooth. That case, in which the three were charged with planning 'to perform violent acts of terrorism, sabotage and subversion against the inhabitants of Nelspruit and members of the Eastern Transvaal Commando', has not yet finished.

On 8 December Masibuku was jailed for eight years for planting the landmine at Kanyamazane. Madonsela, who was said to have provided Masibuku with accommodation, was sentenced to five years. After sentence the two men shouted ANC slogans to the packed courtroom. (Star 23/24.6.87; S 24.6.87; NN 2.7.87; CP 6.9.87)

## MOJOKO

Zamuxolo MOJOKO (30), who faced charges of 'terrorism' in 1987 in both bantustan and regular courts, was sentenced to seven years' imprisonment in December.

Mojoko first appeared in court in the Ciskei bantustan in August charged with being a member of the ANC and taking part in its activities. He had been in detention for five months and expected to be freed when the charges were dropped. However, as soon as he left the court he was handed over to the South African Police by the bantustan authorities. Mojoko next appeared in the Port Elizabeth Magistrates' Court on 21 October. He was charged with undergoing military training outside the country and furthering the aims of the ANC - alternatively either being a member of, or taking part in the activities of the ANC or furthering its aims. It was alleged he left South Africa in 1982, joined the ANC and received military and political training in Angola between then and 1985 under the auspices of the ANC and the South African Communist Party. He was alleged to have returned to the country at least once during 1987 aiming to obtain safe accommodation.

At the beginning of December Mojoko was convicted in the Kenton-on-Sea Regional Court and sentenced to seven years' imprisonment. (NN 6.8.87; Evening Post 22.10.87; CP 6.12.87)

## MOKGABUDI AND RABULI

After a trial held in conditions of utmost secrecy two members of the South African Police

Security Branch were convicted in the Pretoria Regional Court in December of spying for the ANC. Matshwenyego Daniel MOKGABUDI (30) and Tshifhango Cedric RABULI (33), from Atteridgeville and Soshanguve respectively, first appeared in court over a year before, in November 1986, after being detained the previous July. (FOCUS 69 p.7)

The entire proceedings of the trial between June and December 1987 took place *in camera* with the public excluded. No press reports of the case appeared after the opening day, 16 June, until judgment was anticipated.

The two men faced ten charges under the Official Secrets Act, the Protection of Information Act (which replaced the Official Secrets Act in June 1982) and the Internal Security Act. The offences were allegedly committed between 1980 and July 1986. It was said that the men had access to 'Top Secret' documents and tapes at Security Branch headquarters in Pretoria. These related in particular to advance knowledge of ANC actions and police plans to thwart them. This information was copied and passed on to the ANC. It was said to include taped conversations in which secret sources of police information were named. A state witness in the trial, Brigadier Jacobus Buchner, alleged that their information had led to the assassination of several police informers. The accused were also charged with failing to pass on sensitive information about the ANC to their superiors. It was alleged that they were active members or supporters of the ANC, although the indictment also accused them of receiving payment from the ANC for their services.

Press reports described the spy network as follows - the men passed on information to one Piet Vincent Malaza, a member of the SAP based in Nelspruit. Malaza was said to have met Mokgabudi in 1980 and Rabuli in 1982 and to have recruited them both for the ANC. Malaza apparently fled South Africa in June 1986 and joined the ANC in exile. Before that he had regularly passed on the information he collected to Swaziland to 'M1', described as head of the ANC's intelligence there. M1 was the main prosecution witness in the case against the policemen. In July it was reported that a certain Glory Lephosa Sidebe (also known as Lucas Seme, Lephath Sidebe and 'Comrade September') would be used as a key state witness in forthcoming trials. He was said to have infiltrated the ANC in Swaziland. He was arrested by Swazi police in 1986 but released by a South African raid on a border police station.

Only one detail of the defence case emerged: that the men denied that 'confessions' made by them had been obtained fairly. In support of this, their lawyer was allowed to subpoena Nkopane MOKOENA, a Robben Island prisoner, to give evidence about his treatment in custody which was said to be similar to theirs. Mokoena was sentenced to 20 years' imprisonment for treason in 1982. (FOCUS 43 p.3, 44 p.7)

On 3 December Mokgabudi and Rabuli were both sentenced to prison terms of 14 years for contravening the Official Secrets Act, Protection of Information Act and Internal Security Act.

In January it was reported that the men had appealed against both conviction and sentence. However, in the meantime, Mokgabudi had been further charged with bribery or corruption and car theft. These cases were due to continue in February and April respectively. (S 17.6.87, 30.11.87; Star/S/DN 4.12.87; DD 5.12.87; S 8/9/11.12.87; WM 24.12.87; Star/S 5.1.88; Star 6.1.88)

## PASHE AND NZAMA

Two men from Chesterville near Durban, who fled South Africa in 1985 to escape the terror waged in the township by police and vigilantes known as the 'A-team', were convicted in Port Shepstone in December of undergoing military training in Angola. Stephen PASHE (28) and Christopher NZAMA (29) were detained on 30 March after allegedly using false identity documents to re-enter the country. They were each sentenced to five years' imprisonment.

Evidence in mitigation of sentence was given by Fatima Meer, Professor of Sociology at the University of Natal. She said the two men went abroad to study trade unionism: during the 18 months they were away they had spent only three months in military training.

Evidence against the men came from two unnamed witnesses whose evidence was heard *in camera* after the men's families were excluded from the court. Themba NXUMALO, an organiser of the Municipal Workers Union (MWUSA), had been held under Section 31 of the Internal Security Act to appear as a state witness but was released from detention at the beginning of the trial. Legal sources were quoted as saying he was freed 'when the State could not use him as a witness'. (CP 6.12.87; NN 17.12.87)

## PETANE

An ANC combatant who claimed prisoner-of-war status was sentenced in December to 17 years' imprisonment after his plea was dismissed in the Cape Town Supreme Court. Mxolisi Edward PETANE (28) from the KTC squatter camp in Nyanga was detained in November 1986 and first appeared in court the following May. He subsequently faced three charges of 'terrorism' under the Internal Security Act and two charges of attempted murder.

Petane's lawyer argued that his client should be treated as a prisoner-of-war under the terms of the Geneva Protocol of 1977: the ANC's President Oliver Tambo had signed the Protocol on behalf of the organisation and he submitted that South Africa was bound by it even though the regime had not accepted the Protocol. He based his argument on the fact that the Protocol had become part of 'international customary law'. He used the example of numerous resolutions of the UN General Assembly and judgments of the International Court to illustrate that the international community regarded apartheid as a crime and accepted the use of force to eliminate it.

The Cape Province's Deputy Attorney-General argued in reply that South Africa was under no obligation to observe international law where this was in conflict with South African statutory law. In this case the Internal Security Act, which outlawed the ANC, overruled international law.

In his ruling on 3 November Justice Conradie dismissed the submission that the Protocol had become part of international customary law, stating that this was based on 'practice not preaching'. He particularly attacked Article 1 (4) which refers to armed conflicts in which 'people are fighting against racist regimes', saying that this had been controversial from the beginning: Protocol I had been endorsed by only 66 states compared with the 165 who were signatories to the 1949 Geneva Conventions. This he described as too 'half-hearted' to establish the Protocol as part of international law. He rejected the defence's case that UN declarations were indicative of support: 'One must look at

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## RESTRICTIONS

In its general campaign of intimidation and harassment of the media, the South African government has taken new steps to implement the system of official censorship of newspapers and other periodicals introduced under the Emergency regulations in August 1987. In a magazine interview given in December last year in which he tried to justify arbitrary censorship, Home Affairs Minister Stoffel Botha had to admit 'I would rather use the courts in order to obtain action against the press. But we will flood our courts.'

Media reporting is restricted by an estimated one hundred statutory laws such as the Internal Security, Publications, Protection of Information, Police, Defence, and Prisons Acts. The new censorship system together with this legislation puts the media under pressure to exercise self-censorship. However, the Catholic-funded weekly *New Nation* legally challenged the government's powers to muzzle the press in January. (FOCUS 74, p.2; *Star* 14.12.87; *Tel* 3.1.88)

After being officially warned at the end of November that, in the Minister's opinion, it was publishing 'subversive propaganda', *New Nation* received a further letter about its issue of 3 December. (WM 11.12.87; *CT* 16.11.87; *Star* 12.12.87)

In January the paper made the first legal challenge to the government's new restrictions. The Rand Supreme Court was due to hear the

case in March. A Publications Act ban was also placed on the issue of 3 December, after the Publications Appeal Board had eventually lifted bans on three earlier issues. (CT 16.11.87; WM 4/11.12.87; *Star* 12.12.87; NN 14.1.88; NN Press Release 1.2.88)

The Cape Town weekly *South* and the bi-monthly journal *Work In Progress* were officially warned in mid-December about the content of their September - November issues. *South* was also under investigation by the security police, which charged its editor and a reporter under the Police Act with publishing a false report about the police. Bans on three issues published in July and August were lifted by the Publications Appeal Board only in December. (South 3.12.87; WM 4.12.87; BBC 23.12.87)

The daily *Sowetan*, and the *Weekly Mail* were sent preliminary warnings in mid-November and mid-December respectively. (Star 15.11.87, 18.12.87)

In a move to disrupt a campaign to free political prisoners and detainees police raided the UDF's head office and other offices in the Johannesburg area at the beginning of December and seized copies of the UDF pamphlet 'People's Christmas against the Emergency to Unlock Apartheid's Jails'. (S/GN 4.12.87)

● Despite an official announcement that his release from prison was unconditional, Govan MBEKI was served with an order in December which prohibited him from leaving the Port Elizabeth area without police permission and from giving interviews or supplying material to the press. He immediately instructed his lawyer to challenge the restriction order in court. Mbeki is already 'listed' as a person who may

not be quoted by the media without government approval. (Evening Post 10.11.87, DD 15.12.87; CT 16.12.87)

Following the banning of a public rally in Zwede, Port Elizabeth, at which Mbeki was scheduled to speak after his release in November, the security police succeeded in banning another rally due to be held on 13 December in Athlone, Cape Town. A general ban was subsequently placed by the Divisional Police Commissioner on the holding of meetings by the Mbeki Reception Committee in six Western Cape towns up until the end of the year. As a result, a meeting that was called to protest against the restrictions placed on Mbeki had to be cancelled at the very last minute. (FOCUS 74 p.1; S 10.12.87; NN 15.12.87)

● Shortly after Stella Sigcau replaced George Matanzima as head of the Transkei bantustan, banishment and deportation orders imposed on 28 people were lifted. Those affected included eight former University of Transkei teachers: Prof Herbert VILAKAZI, Prof Gerard TOTE-MEYER, Andrew BECK, Prof Nico CLOETE, M RALEKHETHO, Robert MORRELL, E THAELE-RIVKIN, and F GRENTZ, as well as Dumisa NTSEBEZA, President of the National Association of Democratic Lawyers (NADEL), his brother Lungisile NTSEBEZA, and his associates, Monde MVIMBI, Victor NGALEKA, and Godfrey SILINGA (FOCUS 70 p.9), Matthew MOONIEYA, former Daily Dispatch correspondent in Umtata and now its business editor, and T WHITTING, A E GENZI, M P SINDELA and P MADIKIZELA. (FOCUS 70 p.9, 71 p.8; NN 26.11.87; DD 27.11.87)

## PRISONS

● In a step that amounts to *de facto* recognition of their political status, the International Committee of the Red Cross (ICRC) decided last December to assist families of prisoners convicted of politically-motivated 'public violence' offences from 1 January 1988. Previously it had assisted only political prisoners officially categorised as 'security' prisoners. So far the ICRC has not been allowed by the prison authorities to visit 'public violence' prisoners. (WM 11.12.87)

● In October the *Star* published some of the findings of an academic study of general prison conditions which the South African Prisons

Department had earlier tried to suppress. Restrictions on media reporting on prisons under the Prisons Act prevented a full account being published. The thesis reported harsh and unhygienic prison conditions, seriously overcrowded cells, assaults by warders and subsequent deaths. It dismissed as worthless visits by judges and magistrates which are meant to protect prisoners against abuse by officials. (Star 17.10.87)

In November a group of journalists visited Victor Verster Prison near Paarl in the Western Cape. This is a maximum security prison where thousands of detainees have been held under

emergency regulations. The journalists were not allowed to see any of the remaining 19 detainees and were taken to only one section of the prison. A former detainee who was released shortly after the visit described it as a 'propaganda exercise'. (South/CT 19.11.87; Star 21.11.87; South 3.12.87)

● Mandla THEMBA was released from Robben Island after serving a five-year sentence for conspiracy to blow up TV installations in Johannesburg which was imposed in June 1982. His co-accused, Robert Adam, is still serving a ten-year sentence in Pretoria Central Prison. (FOCUS 41 p.7; Ind 7.11.87)

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what states have done on the ground in the harsh climate of a tempestuous world and not at what their representatives have mouthed in the ideologically overheated atmosphere of the UN.' Furthermore Justice Conradie rejected the idea that what he called the 'strife' in South Africa had yet 'deteriorated into an armed conflict'.

Although Petane refused to plead, pleas of not guilty were entered on his behalf. The state alleged that Petane left South Africa in 1977, joined the ANC and underwent military training. After working for the South African Congress of Trade Unions he returned to South Africa in 1986 and made contact with an ANC combatant called Agrippa. He also allegedly recruited an unnamed Rastafarian and a woman called Jackie. 'Agrippa' was reported to be now assisting the police.

The first incident mentioned in the indictment occurred in June 1986 when a policeman attempting to search Petane's accommodation was shot. The other attempted murder charge arose from Petane's eventual arrest in KTC in

November: he threw a hand-grenade at four policemen who were part of a large force raiding the camp. Petane stated that following his arrest he was taken to Guguletu and assaulted until he made a statement. He had been kept in solitary confinement since then leading to health problems such as headaches, loss of memory, inability to concentrate and insomnia.

The main part of the evidence concerned the placing of an explosive device in a car in a parking lot at the entrance to a shopping centre in Parow on 25 July 1986. Petane argued that the device, made out of a landmine and two gas cylinders, was part of a propaganda exercise to demonstrate the power of the ANC's armed wing.

According to him the device was constructed to ignite but not explode - and then only in order to attract attention to itself. He took a number of steps including leaving the car's windows open to ensure the car would be noticed and the device safely extinguished. Although the state alleged that the bomb was primed to explode and was dangerous, Petane's version was supported by press reports at the

time - the device was made safe by three members of the public, including a schoolboy, and the police were not involved until the following day.

On 2 December Petane was convicted on all charges. Evidence in extenuation was heard from political scientist Tom Lodge and Rev Frank Chikane, general secretary of the South African Council of Churches. Chikane spoke of support from a large proportion of the international Christian community for the liberation movement's right to use force to end oppression in South Africa: 'Our crisis is that in terms of the law you can be stopped violently for acting non-violently... You need protection to argue and debate about non-violence.' Petane also read a prepared statement in which he told of his decision to leave the country after the regime's violence against children in 1976-7. On 10 December he was sentenced to an effective 17 year prison sentence: 12 years for 'terrorism' and two concurrent sentences of seven years for attempted murder, two years of which would run concurrently with the 12 years. (CT/CP/Star/DD 3.9.87 - 29.12.87)



# PRISON FOR JUVENILES AND TRADE UNIONISTS

At the time international organisations were highlighting the plight of South African children in detention, an increasing number of juveniles were being brought before the South African courts both as accused and as witnesses.

Several recent trials have concluded with very long sentences being given to youths.

- In a public violence trial in the Potchefstroom Regional Court that ended in December, Ezekiel MOTAUNG (19) received an effective sentence of 24 years. Aaron MEMELA (19) (who was described in another press report as being an unnamed 17-year-old youth) was sentenced to an effective 19 years. When passing sentence the magistrate noted that nobody had been injured or killed by any of their actions.

They had originally been charged with 31 counts of public violence and although both had pleaded guilty to alternative charges (of arson and malicious damage to property), these pleas do not seem to have been accepted by the court. Motaung was convicted on five charges of arson. Memela was found guilty on charges of attempted murder of a policeman, arson and malicious damage to property. Their co-defendants Jacob MOKOENA (20) and Aaron DITHEKO (22) were acquitted on all 31 charges. (CP 14.12.87; Star 14.12.87; Cit. 30.12.87)

- Five juveniles were among eight Fort Beaufort residents convicted in November in connection with the killing of George Nelani and a 3-year-old girl, who died when Nelani's house was burnt down in March 1985. Sinadu DUMA (28) and an unnamed 17-year-old youth were found guilty of murder on two counts and of public violence. Duma was sentenced to an effective 21 years and the youth to an effective five years. The remainder were convicted of culpable homicide and public violence. Mfundo MDIZA (20), Pumla NGWATA (22), Sisa GANTO (20) and Lucky AUGUST (20) were each sentenced to an effective 12 years and Nomalungisa JIKELA (18) and Sandile VUTUZA (18) received terms of three and a half years each.

Prof. Noel Manganyi, who gave evidence in extenuation for Duma and the youth, asked that the incident be seen in the context of the schools and consumer boycotts which were taking place in the area and of the general level of unrest and violence in Fort Beaufort. An application for leave to appeal against the sentences and convictions of all eight defendants was dismissed by Grahamstown Supreme Court on 3 December 1987. (EPH 10/11/24.11.87, 4.12.87; DD/Star 25.11.87)

- In a trial in August of six members of the Humansdorp Youth Congress who faced charges of murdering a suspected police informer, key evidence for the State was given by a 13-year-old boy. The defence was later able to establish that a person the child had identified as having been involved in the incident, was in detention at the time. In his judgment, Judge Kannemeyer said that the State had failed to prove its case against the six. Kannemeyer said that the evidence given by the state witnesses, the 13-year-old boy in particular, needed to be treated with caution as they were still very young. (EPH 18/24.8.87; CP 30.8.87)

- Four Umlazi Youth League members appeared in the Natal Supreme Court in December. 'Rambo' Lawrence Sibusiso NHLANGULELA (26), president of the Youth League, Henry MKHIZE (18) and two youths aged 15 and 16 years were accused of murdering a policeman and of attempting to murder his companion last

year. During the trial the defence argued that the statements made by Nhlangulela and the 16-year-old youth were inadmissible as evidence because they were made after the investigating officers had assaulted them. This was denied by the State.

One member of the Security Branch attempted to discredit the evidence of torture by claiming that Nhlangulela was a police informer. The policeman further stated that prior to the defendants' arrest, he had received unconfirmed information that Nhlangulela and other members of the Umlazi Youth League had planned to assassinate him. In the course of his evidence it was revealed that police interrogation methods involved six-hour-long sessions and midnight questioning. At the end of the trial the 16-year-old youth was convicted on both charges and was remanded to await sentence. His co-defendants were acquitted. (WM 16.10.87; DN 2.12.87; Star 2/4.12.87; SS 10.12.87; see FOCUS 72 p.5 where Nhlangulela appears as Nhlugulelu)

- A high school pupil Bradley VAN NIEKERK (19) began a one-year sentence at Pollsmoor Prison in December after his appeal against his sentence failed. Van Niekerk was convicted for participating in a stone throwing incident in October 1985. Leave to appeal against the sentence was only granted after a petition to the Chief Justice. (see FOCUS 70 p.8; CT 12/22.12.87; South 17.12.87; Star 18.12.87)

- An appeal in the Cape Town Supreme Court which ended in December drew attention to the kind of irregularities in legal proceedings which may arise as a result of increased pressure on the courts. During the original trial in December 1985 of Mpho LETABA, Ernest NTLANT-SANG, Ntobeko NKWALI and Xolani NDABENI – aged 21, 20, 17 and 16 at the time – the presiding Worcester regional magistrate refused to grant a postponement to the defendants' attorney. They were subsequently convicted on charges of public violence. Letaba, Ntlantsang and Nkwali were sentenced to an effective three years and Ndabeni to six strokes. In December 1987 the Supreme Court ruled that the magistrate had 'misdirected himself and committed an irregularity'. It found that his refusal denied the basic right to legal representation as the attorney had been unable to take proper instruction. It therefore found the trial proceedings null and void. All four defendants had been on R1,000 bail each since their original trial, pending the outcome of the appeal. (CT 2.12.87; NN 3.12.87; WM 4.12.87)

## LABOUR TRIALS

Between May and December 1987 the press reported at least 41 trials in which striking workers and trade unionists were charged. Eighteen of these involved intimidation or a combination of intimidation and other charges. Seven concerned trespass, three public violence and 13 others a range of charges including sabotage, conspiracy to commit murder, arson, assault and malicious damage to property. The number of trials and the frequency of charges of intimidation suggest an increased level of state intervention in disputes during 1987. (See FOCUS 65 p.12)

The pattern of strikes giving rise to the charges was consistent with previous government policy to repress organisation in the public sector and on the mines. Nineteen of the strikes took place in the public sector, five on the mines, five in the distributive sector and the rest in several manufacturing and service industries.

Of the trials relating to public sector strikes, six arose from the South African Transport Services (SATS) dispute in April 1987, and three in the newly unionised postal sector. In December

more than 34 postal workers faced charges including intimidation, public violence, murder and sabotage in a number of trials. (NN 3.12.87)

The trials in the mining sector arose out of the wage strikes on the mines in August and those in the distributive trade from the strike in early 1987 at the OK Bazaars chain store. (FOCUS 71 p.3, 73 p.10)

By the end of the year many of the 41 trials were still in progress, in others charges were withdrawn or the accused acquitted. However, some stiff sentences were handed down. A postal worker, Malevu YANI (36), was sentenced to three years in jail for intimidation during a strike at Johannesburg post offices in April 1987. Thirty-five workers involved in a strike at the OK Bazaars chain store also received sentences of between two and three years each for intimidation. (S 27.4.87)

- **SATS dispute** Two of the six trials arising out of the SATS dispute were related to the police dispersal of a march by railway workers in central Johannesburg on 22 April. Three workers were shot dead. In November nine railway workers were convicted on public violence charges and jailed for eight years each in the Johannesburg Magistrates' Court. However, they were given leave to appeal and were released on bail of R5,000 each. (See FOCUS 71 p.3)

In a related trial, 13 SATS workers appeared in court on charges of attempted murder. The case is continuing. In both trials police testified that they were physically attacked by the strikers. (Cit 5/27.11.87; Star 27.11.87)

In another related case a shop steward of the SA Railway and Harbour Workers Union, Morris Phililo KHWIDZHILI (36) was convicted under the emergency regulations. Appearing in the Stellenbosch Regional Court in October 1987, he was fined R1,000 or a year's imprisonment, suspended for a year. The charges relate to a meeting at Stellenbosch University in April where he informed students about the strike. The prosecution cited the following statements among others as being subversive: 'Police and soldiers were sent with guns, when they met people they shot them, teargassed them, hit them with stones.' (CP 27.9.87; Repression Monitoring Group 5.10.87)

- **Strikes on the mines** More than 177 members of the National Union of Mineworkers (NUM) were arrested during the August 1987 wage strike. Several appeared in trials in the course of the year, most of which are still in progress. (BBC 14/18.8.87; Star 13.8.87)

## OTHER PRISON SENTENCES

- Benjamin DE BRUIN of Stellenbosch was jailed for six years, three of which were suspended, for having a tattoo which was interpreted as 'furthering the aims of the ANC'. (WM 24.12.87)

- Ciskei bantustan – Two men from the Ciskei bantustan were found guilty and sentenced in the Zwelitsha Regional Court in October. Madlala GONIWE was convicted on two charges of public violence and was sentenced to an effective five years imprisonment. Macebo TOKWE (who was named in another report as Zwelinzima TOKWE) was found guilty of possessing a dangerous weapon and sentenced to six months suspended for five years. Their five co-defendants were all acquitted, while charges against an eighth accused were withdrawn when the trial began in July. (NN 13.8.87; WM 30.10.87)



# RESTRICTIONS ENFORCED

## ATROCITIES PERSIST

In November 1987 the authorities in Namibia decided to lift the permit system which applied in six districts, including the war zones, on the grounds that they were ineffective. However, various restrictions on movement remained in force and there were indications that new restrictions would be imposed. In spite of these controls and other controls on information, evidence of atrocities committed by the South African forces continued to mount.

Before November, under Proclamation AG 28 of 1985, people wishing to visit the Ovambo, Kavango, Kaokoland, Bushmanland, Eastern Caprivi and Hereroland East bantustans had to apply for police permits first. The regulations were used to hinder access to these areas by journalists, organisations monitoring abuses of human rights and others.

In spite of their repeal, the regulations were still being enforced in Eastern Caprivi, and a spokesperson for the South West Africa Territory Force said that permits were still needed to enter Western Caprivi. He also confirmed that 'security check-ups' were carried out by the military 'when it is deemed necessary'. (FOCUS 58 pp.1,4; Star 16.11.87; Nam 15.1.88)

Although the permit system has been scrapped, other measures restricting movement in the war zones remain firmly in place, notably the dusk-to-dawn curfew in the Ovambo bantustan, and legislation providing for detention without trial, which also applies in other parts of Namibia.

## ATROCITIES MOUNT

The ruthless enforcement of the curfew figured prominently in atrocities committed in the north of the country, as police and troops sought to contain the armed struggle.

In August Namibian church organisations and residents of villages in the northern war zones testified to a 'dramatic increase' in atrocities in the course of 1987. The Executive Committee of the Council of Churches of Namibia (CCN) issued a statement, noting with alarm 'the increase in the number of reported cases of overt harassment and violently over-reactive attacks by forces . . . upon members of the civilian population. These attacks often result in serious injury to the lives and damage to the property of these civilians'. Also in August a local newspaper drew attention to the 'seemingly numerous atrocities perpetrated against civilians'. In the course of the year mass meetings were held in the war zones, at which residents demanded that local military bases be closed down and the SADF withdraw from their areas. (See FOCUS 70 p.4, 72 p.10, 74 p.9; Nam 14.8.87; NCC 18.8.87)

Soldiers from the Okalongo base in the Uukwambi area were responsible for a series of assaults on several local villages. Similarly soldiers from the 119 Battalion stationed near Ogandjera were the cause of ongoing complaints by local residents. In the Kaokoland bantustan, forces identified as 'Koevoet' were accused of excesses against villagers in the Uukwaludhi area, and there were similar allega-

tions against troops at several bases in the Ondongo, Oshushe Oshigambo, Onankali, Ombalantu and Omungwelumbe areas.

Residents of four villages in the Uukwambi area said that soldiers raided the villages, searching homes, breaking open suitcases and stealing people's belongings. Livestock was also stolen and on occasion shops were looted. People were beaten with palm sticks and there were attempts to rape women. In the Oshushe area soldiers evicted people from their homes, so that they could sleep in them. This was especially arduous in winter. (Nam 7.8.87)

Harassment was particularly intense in the Ogandjera area where soldiers from 119 Battalion intimidated villagers. In two incidents in July and August vehicles were stopped on roads in the Olunjinda area. Young people were forced to run for a kilometre up and down the road while older people were made to lie face-down in the road. In several incidents in September, drunken soldiers assaulted residents, moving from one homestead to another at night. Several women were subjected to indecent assaults and attempted rape. The Ogandjera residents believed they had become targets of increased assaults in retaliation for attending a public meeting in March, which demanded the withdrawal of army and police from the area. (Nam 7.8.87, 18.9.87)

In the Uukwaludhi area of the Kaokoland bantustan, Koevoet members using palm branches beat local residents so severely that many were hospitalised. They also forced local women to undress in front of them. (Nam 28.8.87)

## PATTERNS OF VIOLENCE

Reports in the Namibian and South African press, between mid July and the end of December 1987, confirmed that atrocities were not confined to these areas, but were widespread throughout northern Namibia. There were 41 reported incidents of atrocities of various kinds including the killing of alleged 'curfew breakers', assaults and rape. Press coverage is fragmentary and far from comprehensive: there is stringent censorship on the activities of troops in the operational areas of northern Namibia and reports which reach the press are incidental. (See NEW CENSORSHIP MOVES)

Although in many of the cases cited above, residents made complaints to the police or local authorities, only one of those reported resulted in charges being laid. There was no redress for the other victims.

● **Killings of 'curfew breakers'** In five of the reported incidents, ten people were killed by 'security forces' supposedly enforcing the dusk-to-dawn curfew; one person was wounded. In late July, four people were shot and killed in the Engela la Kamonde area in the Ondonga region. Two of those killed were women, one of whom was carrying a child on her back. The deaths fuelled local anger at the curfew regulations. Three of the incidents including the one above took place near the Ondonga air base. In another incident troops from the Oshigambo base shot dead 64-year-old teacher, Johannes ENDJAMBA. According to his family he was on his way to visit a neighbour and he had left well before curfew. Local residents alleged that the soldiers concerned were heavily under the influence of liquor. (Nam

7/28.8.87, 18.9.87; WO 22.8.87, 19.9.87; WA 15.9.87)

● **Other killings** In eight other incidents, civilians were killed by troops in circumstances which were less clear.

In July an entire family living in the Oshashwanda/Okamwa area of southern Angola, was murdered in cold blood. Soldiers from an unspecified unit called at their homestead in early July and drank some home brew. They apparently returned later in the day, demanding more drink, and when none was available opened fire, killing the family.

Josef DUMENI, brother of Bishop Kleopas Dumeni of the Evangelical Lutheran Church, was shot dead in the same area in June 1987. (FOCUS 74 p.9; Nam 10.7.87, 11.9.87)

In a particularly horrific incident, two children were killed in the village of Oshana, in the Kwanyama area, in early November. Sara SHIGWEDHA was standing outside her homestead, with her four children aged between eight months and twelve years, when they were fired on from the air by a military helicopter. Two of the children, one of whom was an infant, died instantly. The others were hospitalised for bullet wounds. (Nam 11.12.87)

● **Shootings** In two incidents, six people were shot but survived their injuries. Immanuel MUNDUKATA (26), an Ombalantu primary school teacher was shot when he broke away from a group of Koevoet members who were violently interrogating him about the presence of SWAPO guerrillas in the area. In the second incident drunken soldiers attached to 101 Battalion at the Oshigambo army base shot and seriously wounded Martha JASON and her four children aged between nine and 15 years, while interrogating villagers in the Oshushe area. According to a witness, five soldiers had arrived in the village with enough liquor to last the whole day. The drunken soldiers randomly opened fire, seriously wounding the five people. The soldiers also fired bullets into a car to prevent another resident from taking them to hospital. The Oshigambo army base is notorious for atrocities. In 1986 corpses of unidentified people were found in the vicinity of Oshushe, allegedly killed by the forces stationed there. (Nam 4.9.87)

● **Assaults, intimidation and torture** The press reported 18 separate incidents in which people were assaulted, tortured, or intimidated by police or troops. In many of the incidents, people were assaulted in attempts to extract information about the whereabouts of SWAPO guerrillas. In July Koevoet members beat Jacobina AMUKUHU (37) of Okapanda, with clubs. They also seized her two-year-old baby from her back and dropped the baby violently on the ground. They questioned her about bicycle tracks near her home, allegedly those of SWAPO guerrillas active in the region. (NCC 20.7.87)

In early August, Achilles KALUNDE, who was on holiday in northern Namibia, was apprehended by three men in civilian clothing while visiting a shop at Endola in the Oshakati area. He was driven to a secluded spot nearby, blindfolded with his own shirt and beaten with rubber cords. He was accused of murdering the uncle of one of his assailants. He was later driven to another location where he was

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namibia

# LABOUR IN NAMIBIA

In spite of increased repression against Namibian trade unions including raids on offices, the detention of leading officials and activists, and the suppression of a miners' strike in August, the unions continued to make steady gains in the second half of 1987. Existing unions won new members and signed recognition agreements with employers and a major new union was formed in the public sector. (See *FOCUS* 72 p.9, 73 p.3)

However, repression continued. The demolition of the Katutura hostel in Windhoek made thousands of contract workers homeless and destroyed a base of support for worker organisation and SWAPO. Unions were at the same time concerned that the Commission of Inquiry into Labour Matters set up by the Administrator-General in September would lead to new restrictions on organisation.

## UNIONS CONSOLIDATE

In the 15 months before October 1987 the three unions affiliated to the SWAPO-aligned National Union of Namibian Workers (NUNW) recruited some 32,000 members – 15 per cent of the country's 220,000 industrial workers. (SS 14.10.87)

In December they were joined by a major new union launched in the public sector, the Namibian Public Workers Union (NAPWU), drawing on some 8,000 workers already organised into committees in municipalities, hospitals, the Electricity Corporation, the Departments of Nature Conservation and Water Affairs, and postal and telecommunication services. (WA 7.12.87; SS 10.12.87; Nam 11.12.87)

● **MUN** In spite of its setback in the August strike at the Tsumeb Corporation (TCL) copper mines, the Mineworkers Union of Namibia (MUN) made new gains. In December it signed an agreement with Tsumeb giving it access to company premises to recruit. The agreement improved on an earlier one which the union had refused to sign after some clauses were unilaterally altered by TCL's holding company in South Africa, Goldfields. In September the MUN signed a similar agreement with employers at RTZ's Rossing Uranium mine. (WA 2.9.87; Nam 18.12.87)

● **NAFAU** In September NUNW's strongest affiliate, the Namibian Food and Allied Union (NAFAU), held its second annual congress. Since its formation in 1986 its membership had increased from 6,000 to 11,000 with a presence in 74 individual plants around the country, mostly in the larger towns. In the year before its congress it won victories in at least 11 disputes. At the congress delegates resolved to campaign for a 'living wage' and paid maternity leave.

In October NAFAU became the first of the NUNW's affiliates to be officially registered, a status which will give it access to official bargaining machinery. (Nam 25.9.87; South 1.10.87; *Anti-Apartheid News* Nov/Dec 1987)

In October it concluded new wage structures in the fishing industry for the 1987-8 season after negotiations with employers. (*FOCUS* 71 p.11; Nam 16.10.87)

● **MANWU** In the three months following its May launch, the Metal and Allied Namibian Workers Union (MANWU), established itself in 24 plants in addition to its 31 existing worker committees. (*Action on Namibia, Autumn 1987*)

In the course of the year some of the NUNW unions faced obstruction by conservative unions in their efforts to organise.

MANWU experienced this problem in the construction industry. In August more than 300 workers at an LTA construction site in Windhoek went on a wildcat wage strike. MANWU claimed that its worker committees at LTA were already negotiating with employers when the National Building Workers Union (NBWU) (linked to the pro-MPC National Namibian Trade Union) intervened and proclaimed itself the representative of the workers. MANWU claimed that the NBWU had 'misled workers by giving the impression that it co-operated with MANWU, simply so that they would join the NBWU'. MANWU challenged the union's right to speak for the strikers, saying that it represented only 10 per cent of workers in the building industry, while MANWU's own membership was around 70 per cent. (Nam 7.8.87)

NAFAU experienced similar problems in the fishing industry where a company sought to revive a defunct union, the Fishermen's Union. According to NAFAU, prospective members were promised a union office, free furniture and office equipment. They were also offered job security, a third of their fishing catch and pay increases as a reward for recruiting members from NAFAU. (Nam 16.10.87)

At the Swavleis meat-processing plant in Windhoek a departmental manager set up a rival in-house union, the Food and Allied Workers Union. (Nam 2.10.87)

At the TCL site at Tsumeb, the MUN exposed attempts by the white South West Africa Mineworkers Union (SWAMU) to recruit black membership. It had deducted dues from workers' wages without their knowledge. (Nam 18.12.87)

These developments parallel those in South Africa in the early 1980s when employers set up in-house unions or concluded closed-shop agreements with conservative unions to block the independent unions.

## DISPUTES

According to the Institute of Economic Affairs, there were 47 strikes about wages and conditions in Namibia between April and September. (WO 8.8.87)

NAFAU, which earlier in 1987 won several shop floor victories, encountered a hard line from employers in the second half of the year. At a Windhoek fruit and vegetable distributor, Hopleys, 19 members of NAFAU were dismissed after they complained about excessive overtime. At Swavleis, the management dismissed two union members who had played a leading role in strikes at the company in July and October 1986. Management refused to take them back, confirming that their dismissal related to their participation in the strikes. (Nam 6.11.87)

However, NAFAU successfully negotiated the reinstatement of about 20 workers who downed tools at Namib Sugar Distributors in Windhoek in August. Their grievances focussed on wages and lack of transport to and from work. The company agreed to provide transport, and to look into the wage claims. (Nam 14.8.87)

In the mining sector there was continued activity. In December security guards at Consolidated Diamond Mines (CDM) at Oranjemund confiscated R13,000 from a long-standing employee as he was passing through a control point on his way home on leave. They implied that he had come by the money illegally in spite of his protests that it represented his savings and those of several friends, which he

was taking home, as well as a small profit gained from selling beer. A sum of R5,000 was subsequently 'deducted' from the money as tax after management consulted the office of the Receiver of Revenue. When the workforce reacted angrily to this treatment and came out on strike for 14 hours the mine management returned the money. (Nam 18.12.87; WA 18/22.12.87)

## HOSTEL STRUGGLES

In October the authorities demolished the Katutura hostel. For many years there was a campaign against the hostel, because of its appalling living conditions. However the demolition was opposed by community organisations, because inadequate provision was made for re-housing the workers who lived there. Organisations also wanted to use the building for community purposes.

At a press conference the NUNW, the Council of Churches in Namibia, the Ai-Gams Action Committee and the Committee for the Preservation and Renovation of the Katutura Hostel pointed out that in addition to housing the 5,000 contract workers employed in Windhoek, the hostel had become a refuge for local unemployed workers and refugees from the war zones in the north. Those who could not be housed in the 200 structures provided as alternative accommodation would be forced to squat illegally or return to the bantustans. They also felt that the authorities' real motive in demolishing the hostel was to expel the unemployed and 'disperse a large labour group because it was a centre of workers' struggle and support for SWAPO'. (WA 5/29.8.87)

In Walvis Bay in July, residents of the Kuisebmond hostel, home to some 550 contract workers, launched a campaign against the 'cruelty' of the local Municipal Police, following a raid on people living there without permits. The residents of the hostel petitioned the municipality for a meeting to discuss a list of 50 demands. These included an end to the use of dogs, teargas and firearms in police raids. They stated that they wanted to establish work-place committees at plants in the town to negotiate about living and working conditions with employers and the municipality. (Namib Times 14.8.87; Nam 25.9.87)

## THE WIEHAHN COMMISSION

Concerned by the rising level of labour organisation in Namibia since mid-1986, the South African Administrator-General appointed a Commission of Inquiry into Labour Matters in September. It is chaired by Prof N Wiehahn, who chaired a similar commission in South Africa in the late 1970s.

Unions were concerned that the Commission would recommend restrictions on the unions. They were critical of the committee's composition: not a single worker or trade unionist was appointed. Most of the commissioners were associated with parastatal or government institutions. One is a member of the territory's Labour Council, an official body hostile to the independent unions, and another is an employee of the Rossing Uranium mining company which has also been opposed to unions. (Nam 18.9.87; NN 24.9.87)

In spite of their reservations, the unions affiliated to the NUNW decided in December to test its credibility by presenting evidence to the commission. They decided to demand a minimum wage for all Namibian workers, a duty on employers to recognise and negotiate with majority unions, and the right to pursue trade union activity 'free of victimisation'. (WA 17.12.87)



# SWAPO FILES FRONTLINE DISPATCHES

Swapo launched its own news agency, the Namibia Press Agency (Nampa), at the end of November. It took this step in order to provide correct and up-to-date information on the conflict in Namibia. Nampa has its own reporters in Namibia to cover political, economic, social and cultural aspects of the Namibian struggle. It also has war correspondents attached to the People's Liberation Army of Namibia (PLAN) to report on the armed struggle and South Africa's military occupation of the country.

At the official inauguration, SWAPO's Secretary General Andimba Toivo ya Toivo said that the world media had accorded very low priority to the struggle for Namibia's independence. He said that Namibia was only mentioned in connection with South Africa's 'hollow claims' of victory against PLAN or the presence of Cuban troops in Angola. Accordingly, SWAPO had established its own agency in order to push Namibia to the front pages of the world press.

SWAPO Information and Publicity Secretary Hidipo Hamutenya commented that, since its inception 27 years ago, SWAPO had paid considerable attention to the information front of the struggle. However, the formation of Nampa 'was a significant turning point in the battle for the hearts and minds of people regarding the colonial conflict in Namibia and world opinion at large'.

Nampa, which has its head office in Luanda, plans to open bureaux in Europe, America and Asia and in the frontline states of Zambia, Zimbabwe and Tanzania, as well as Congo and Ethiopia. Presently SWAPO broadcasts Voice of Namibia programmes to Namibia on the national radios of Angola, Ethiopia, Tanzania, Zambia and Zimbabwe. SWAPO received organisational and financial assistance in setting up Nampa from the Pan African News Agency (PANA), the Non-Aligned Movement's News Agencies Pool, and the Angolan Press Agency (Angop) and *Prensa Latina* of Cuba. UNESCO provided a considerable amount of money for the purchase of equipment. (BBC 13.10.87, 12.12.87; Nam 4.12.87)

## MEDIA CURBS

Media reporting inside Namibia is severely circumscribed. Radio and television are controlled directly by the state through its appointees to the SWA Broadcasting Corporation, while almost all daily and weekly newspapers are owned and controlled by interests which

support South Africa's illegal occupation of the country. They therefore willingly exercise self-censorship with regard to atrocities by police and army and uncritically accept for publication army and police statements on their operation. The independent weekly *The Namibian*, partly funded by the EEC, and church magazines such as *Omukwetu* and *Omukuni* are committed to exposing army and police atrocities and torture but experience intimidation and severe restrictions in doing so.

A journalist on *The Namibian* recently described the harassment his newspaper had faced: 'I was one of the founders of *The Namibian* which was set up in August 1985. In the very beginning the paper had to pay a high deposit - about R20,000 - to register. In the beginning they... tried to destroy our offices by fire. The police try to prevent us carrying out our work - they will even implicate us in court cases to take us out of action.' (*Anti-Apartheid News*, Dec '87)

The newspaper's editor recounted how the staff had become targets of a campaign of intimidation manifested through death threats, late-night obscene phone calls, slashed car tyres, arson attempts and bullet holes in the office windows.

The *Windhoek Observer* has also faced harassment because of its reporting of atrocities and corruption. In November last year the editor was charged with contempt of court for reporting that a judge had lied. The judge had acquitted Captain Pat King of the Security Branch of the murder of Johannes KAKUVA, a farmer resident in Kaokoland in northern Namibia, in the course of interrogation in 1980. He refused to give a copy of his verdict to journalists, saying he had only made rough notes. The *Observer* alleged this was untrue since they had seen a typewritten version. (WO 28.11.87; 5/12.12.87)

Both access to information and permission to use it are heavily restricted inside Namibia. For almost three years until November 1987 access to the north and east of the country was restricted under a permit system through which the police controlled entry into the six bantustans. Movement within the area is still subject to surveillance by police and army and limited by a dusk-to-dawn curfew in the Ovambo bantustan.

Even when journalists witness events, they are not always able to report them. Dudley Viall, formerly a reporter with *The Namibian* and now working for the Council of Churches in Namibia, explained that the press in Namibia had difficulty reporting atrocities committed by South-African-led forces because any story on the operation of SWAPO was subject to police confirmation and clearance. 'There have been

instances which we had seen with our own eyes but when we sought confirmation and clearance from the police, we were told nothing of that sort took place', he said. 'Sometime this year [1987] bodies of SWAPO guerrillas were tied to Casspirs and paraded in the townships with a view to harass and intimidate the people. Most people saw this but when we sought confirmation and clearance as was required, the police denied it saying they were a Christian force, and that such a thing did not happen', he stated. (WA 9.11.87; Nam 28.8.87, 20.11.87; FOCUS 70 p.4)

Under an arrangement between the Newspaper Press Union and the South African Defence Force the army and police have to liaise with the media. The police in particular have a duty to issue statements on the outcome of their investigations. Again, *The Namibian* detailed their failure to do so. They failed to file any report on the death of a Namibian allegedly shot by the SADF in southern Angola, the bombing of the Omulukila Roman Catholic Church near Om-balantu, charges of arson at the Council of Churches headquarters, and the case of a two-year-old child crushed by a Casspir in northern Namibia. (Nam 9.10.87)

Statutory legislation places heavy restrictions on what journalists are able to report without fear of prosecution. Laws such as the Internal Security Act (1950), and the Police, Defence, Protection of Information, and Publications Acts, prevent the publication of information particularly in relation to the liberation struggle. Last November a journalist was charged under the Police Act for unlawfully taking photographs of prisoners inside police cells in Luderitz on 3 July. On that day police raided a workers' compound on the harbour, arresting 200 residents and injuring more than 50 with rubber bullets, plastic whips, and batons during the seven-hour attack. Mark VERBAAN (27) who works for *The Namibian* was due to appear in court on 8 December. (Nam 20.11.87)

Under the Publications Act the Publications Control Board in South Africa regularly bans publications such as *Namibia Today* which are published by SWAPO, as well as the magazine *The Combatant*, published by PLAN, SWAPO's military wing. Although newspapers that belong to the South African Newspaper Press Union are legally exempt from Publications Act bans, an issue of *The Namibian* was temporarily banned in January 1987. The issue featured a photograph of a South African armoured vehicle with a body, allegedly that of a dead guerrilla, strapped to its spare wheel. This provided irrefutable evidence of an intimidatory practice repeatedly denied by police. (WO 28.2.87)

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chained to the steering wheel of an abandoned truck. He spent the night and part of the next day there, until he was released by a passing policeman. His assailants were later identified as members of the 'security forces' based at Oshakati. (Nam 11.9.87)

In mid-November, members of the 'security forces' arrived in the village of Lipanda Yamati near Ondangwa to question residents about the movements of SWAPO guerrillas. They accosted a group of children returning from school and beat them with sticks, while interrogating them. The 'security forces' then assaulted villagers at nearby homesteads and trading stores. Three people, one of whom was a pregnant woman, had their heads buried in the sand. (Nam 11.9.87)

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# FRONT LINE STATES SUFFER AGGRESSION

In January 1988, the Zimbabwean Minister of Finance reported that since 1980 the Frontline States had spent about \$27.5bn defending themselves against South African aggression. (SEE CHRONOLOGY)

This figure, the Minister said, did not take into account the losses in human lives and development potential, destruction of crops and property, displacement of people and the growing spread of malnutrition and disease. In the period September 1987 to January 1988 at least five independent Southern African states came under attack. Officials in each of these countries accused Pretoria of carrying out bomb blasts, grenade attacks and assassinations after violating territorial borders.

South Africa's capability to attack the region was greatly increased with the establishment in October 1987 of a new airforce base in the northern Transvaal. The Minister of Defence described the base as being 'ideally situated to provide the necessary support to security forces in their struggle against terrorism'. It is within striking distance of Harare, Gaborone, Maputo and Beira. Coupled with the South African Air Force's newly acquired Boeing mid-air refuelling aircraft purchased from Israel, South Africa has become an increased military threat to countries as distant as Tanzania. (CT 15.10.87; BBC 20.10.87, 23.11.87, 15.1.88; CT/S 16.11.87; New Africa News Nov-Dec 1987)

## FIGHTING IN ANGOLA

South African armed forces launched a major attack on the strategically important Angolan town of Cuito Cuanavale, 300 kilometres from the Namibian frontier, in December and January. This violated a UN Security Council call for South Africa to withdraw from Angola by 10 December.

In November and again in December the UN Security Council unanimously condemned South Africa's aggression against Angola and the occupation of its territory and called for the unconditional withdrawal of all South African forces. On 22 December the Secretary-General confirmed that South Africa was still engaged in widespread military action. A Security Council mission went to Angola in mid-December and reported the presence of South African forces in the southern provinces of Cuando Cubango and Cunene.

The invasion, openly acknowledged by South Africa, started at the beginning of August with the declared aim of saving UNITA from total defeat by the Angolan armed forces. (FOCUS 73 p.12) After months of fierce fighting the chief of the South African Defence Force (SADF) General J. Geldenhuys announced on 5 December that South Africa was withdrawing its forces from southern Angola. However, in a two-pronged attack, South African forces penetrated deep into Cunene and Cuando Cubango provinces. Troops from the SADF's Eighth Armoured Division advanced north under heavy air cover through Cunene province, while two battalions of mechanised infantry involving 6,000 troops attacked Cuito Cuanavale in Cuando Cubango province. This is the Angolan army's main forward position in its offensive against Mavinga and Jamba, UNITA's main base near the Namibian border. Regular artillery and air bombardment of the area in December culminated in intensive bombing of the town in January.

The Angolan armed forces shot down a large number of South African aircraft, while Cuban pilots attached to the Angolan air force bombed enemy positions in the battle for the town. Speaking on Angolan television in mid-January, Angolan Air Force Commander Alberto Neto stated that South Africa had failed in its attempt to take Cuito Cuanavale. (BBC 25/26.1.88)

On 21 January Angola's Defence Minister reported fierce fighting in the area of Munhanango, an important point on the Benguela Railway in Bie province, 590 kilometres from the Namibian border. He also said that South Africa was organising a huge military build-up in northern Namibia aimed at launching an even larger-scale war of aggression against Angola.

Personal evidence of South African intervention in Angola in support of UNITA was given at a press conference in Luanda by Rifleman Simeon Kandipwapa Petrus (22), a member of 101 Battalion of the South West Africa Territory Force who was captured in Cunene in September. He said his Battalion had entered Angola to aid UNITA in the face of the Angolan army's offensive. It used AK47 rifles and wore uniforms similar to those of the People's Liberation Army of Namibia, SWAPO's military wing, in order to deceive the local population. The battalion had a special company which specialised in 'terror tactics such as killing, torture, rape and destruction of property when seeking information or searching for Swapo fighters'. Petrus confirmed South

Africa's increasing use of black Namibian conscripts in its aggression against Angola and said that troop morale was low. (Nam 18.12.87)

## CHRONOLOGY

*Examples of incidents in Southern African countries other than Angola, between September 1987 and January 1988*

**30.9.87** Explosion at Lusaka's railway station killing two postal workers and injuring six others. Later at least one bomb and three suspected bombs were found addressed to Zambian citizens and to the ANC. (BBC 2/7.10.87)

**13.10.87** Bomb explosion in Harare injuring several people. (DN 13.10.87; see FOCUS 74 p.11)

**16.10.87** Bomb blast in Lusaka seriously injuring a woman. A second bomb was later defused. (DN 19.10.87)

**2.12.87** South African troops and border officials enforce exhaustive checks on traffic crossing the Botswana border into South Africa, causing delays of up to four hours. (CT 3.12.87; BBC 5.12.87)

**10-14.12.87** Five grenade explosions in Gaborone. Few details of casualties and no deaths reported. (Star 14.12.87; Ind 15.12.87)

**29.12.87** Zambian security forces defuse two bombs in Livingstone stating that they have 'irrevocable evidence' that the bombs are the work of the South African Government. (BBC 1.1.88)

**31.12.87** Formal protest note sent by the Swazi Ministry of Foreign Affairs to the South African Government after a border violation on 21 December by the South African Defence Force. (CT 4.1.88)

Mozambican train derailed by a mine, killing 22 passengers and injuring 71. (S. Trib 3.1.88; GN 4.1.88)

**8.1.88** ANC member Jacob MOLOKWANE (19) found shot dead near Francistown in Botswana. (BBC 15.1.88)

**11.1.88** Car bomb explodes outside a house used by the ANC in Bulawayo killing two men, assumed to be South African agents, and injuring three others, thought to be ANC members. (BBC 15.1.88)

**13.1.88** Sipho NGEWA, a South African refugee with alleged ANC connections shot dead in Swaziland. (BBC 15.1.88)

**19.1.88** Bomb explodes at the ANC headquarters in Lusaka injuring three Zambian passers-by and causing substantial damage to the building. (BBC 20.1.88)

## The International Defence and Aid Fund for Southern Africa Canon Collins House, 64 Essex Road, London N1 8LR

The International Defence and Aid Fund for Southern Africa has the following objects

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International Defence and Aid Fund for Southern Africa, US Committee,  
P.O. Box 17, Cambridge, MA 02138.

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*Sources and abbreviations:* BBC - British Broadcasting Corporation Survey of World Broadcasts; Cit - The Citizen, Johannesburg; CP - City Press; CT - Cape Times; DD - Daily Dispatch, East London; Debates - House of Assembly Debates; Cape Town; DN - Daily News, Durban; EPM - Eastern Province Herald; 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; RDM - Rand Daily Mail, Johannesburg; S - Sowetan; S. Exp - Sunday Express, Johannesburg; SS - Southscan; ST - Sunday Times, Johannesburg; S. Trib. - Sunday Tribune, Durban; Star - Star, Johannesburg; Tel - Daily Telegraph, London; T - Times, London; WA - Windhoek Advertiser, Namibia; WM - Weekly Mail, Johannesburg; WO - Windhoek Observer, Namibia.