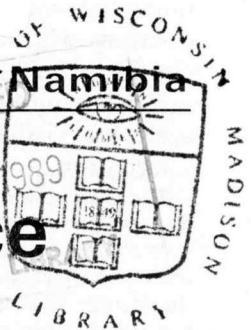


FOCUS

on political repression in South Africa and Namibia

RESERVE



Defiance consolidates resistance

Millions stay away from work

The defiance expressed by detainees during their mass hunger strike early this year, assumed the form of a nationally organised campaign in the weeks leading up to elections to South Africa's segregated parliament on 6 September.

Trade unions, religious and student bodies and some restricted organisations implemented a programme of action co-ordinated by the loose and informal alliance of anti-apartheid organisations which has come to be known as the Mass Democratic Movement (MDM).

Thousands were involved in actions which included breaches of laws imposing segregation and challenges to the State of Emergency and the Labour Relations Amendment Act of 1988. The campaign galvanised opposition and consolidated the drive towards greater unity.

The state's response was uneven, but involved extensive repression including the killing of a large number of people close to election day. Key leaders of the campaign and those breaking restriction orders were detained, thus provoking hunger strikes inside prison. Activists were also charged under various apartheid laws and gatherings broken up by the police. (CP 6.8.89; Star 15.8.89; GN 5.9.89) (For further details see *Other Trials; Police; Detentions and Meetings.*)

The MDM focussed its challenge on segregated facilities and restrictions on free association. Despite warnings by health authorities in some areas that they would refuse entry to 'whites-only' hospitals to those without permission, on 2 August over 270 black patients marched in the company of supporters to such hospitals throughout the country and were given treatment. In Pretoria, however, police roadblocks stopped people marching to hospitals. (Tel 29.7.89; Star 3.8.89; SS 4.8.89; CP 6.8.89)

Students, and in some cases staff, of various schools and universities took action in protest at such issues as the presence of police and the use of their premises as polling stations. On 28 August students in the Eastern Cape who marched to exclusively white schools demanding that they be de-segregated met with police action. In Queenstown police stopped a march by 2,000 people and allowed a delegation of only 20 students into the school; they

later fired teargas to disperse the marchers. Police stopped a march by 3,000 students in Fort Beaufort before it could get to the local white school. In East London and King William's Town police took similar actions. (South 17.8.89; WM 1.9.89)

In Johannesburg, on the same day, black passengers were shut out of whites-only buses as they attempted to board. They had valid tickets, but bus drivers were instructed to keep them off and to drive past stops where black people were waiting. (Ind/T 29.8.89)

In Durban some 10,000 people swam and picnicked for about two hours at a 'whites-only' beach before police broke up the protest and arrested 58 of them. The protestors raised ANC flags. In Cape Town police whipped and baton-charged black people at an exclusively white beach. On the mines, members of the National Union of Mineworkers used changing rooms, kitchens and canteens reserved for their white colleagues. On 20 August, a march to the white Dutch Reformed Church in King William's Town registered opposition to racism and apartheid in the church. (CP 6.8.89; T 21.8.89; DD 22.8.89; MS/International Herald Tribune 4.9.89)

We can no longer jail ourselves, nor accept segregation and racial division, nor stand silent in the face of crushing economic problems of the mass of our people.

MDM statement at a press conference on 3 August attended by restricted people.

On 20 August, the sixth anniversary of the United Democratic Front (UDF), meetings were held proclaiming the legality of organisations restricted in terms of emergency regulations and restricted people broke their 'banning' orders. At a meeting at St George's Cathedral in Cape Town 3,000 people declared their organisations unrestricted. The flags of the UDF, End Conscription Campaign

(ECC), South African Youth Congress (SAYCO) and many others were unfurled. Some people wore T-shirts with the emblems of restricted organisations. Individuals addressed the meeting in further contravention of their restriction orders. In Johannesburg police prevented a similar meeting by blockading the venue at the University of the Witwatersrand. In another act of defiance some papers published material quoting 'listed' people. In spite of repressive action the campaign grew and assumed greater momentum during the elections. (SS 28.7.89; South 3.8.89; BBC 17.8.89; WM 25.8.89; International Herald Tribune 1.9.89)

On 6 and 7 September an MDM-organised two-day stayaway by about three million workers and a large number of students coincided with the elections. The size of the protest ranged from 40 per cent in the Western Cape to 80 per cent in Durban and the Eastern Cape. According to the MDM a month-long consumer boycott was due to start on 13 September. In protest against the killing of over 20 people in Cape Town, a march of more than 50,000 people to parliament culminated in a mass rally outside the town hall. A similar march in Johannesburg presented a list of demands to senior police officers at John Vorster Square police headquarters. (FT 6.9.89; MS 7.9.89; WM 8.9.89)

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MEETINGS

Defiance weakens restrictions

Some rallies were allowed to proceed in major urban centres immediately after the September elections while the regime continued to suppress protests, meetings and demonstrations in areas less visible to the international media.

The legal powers to prevent, restrict or disperse meetings depend principally on several laws which are permanently in force and which would remain even if the State of Emergency were lifted. A ban under the Internal Security Act, in force since 1976 and renewed on 31 March this year for a further twelve months, allows the authorities to prevent gatherings of most kinds from taking place. The ban prohibits any outdoor meeting other than sports gatherings or funerals in cemeteries, and any indoor meeting to discuss educational boycotts or industrial action beyond the limited range allowed by the Labour Relations Act. Emergency regulations have further restricted meetings by prohibiting statements defined as 'subversive', including most statements mobilising resistance, and by effectively banning the main anti-apartheid organisations. They have also been regularly used to severely restrict funerals of people killed by the police or of political and community leaders.

Examples of action prevented by bans under the emergency regulations include

meetings in support of hunger-strikers in January; commemorations in April of the anniversary of the execution of the ANC combatant Solomon Mahlangu; meetings to celebrate the acquittal on treason charges of Moses Mayekiso and others; meetings to discuss the situation in schools in the Western Cape; meetings in May under the banner 'No submission to restrictions', and meetings under the banner of 'Defy apartheid elections' in June and July. (*S* 7.4.89; *GG* 28.4.89; *CT* 9.5.89; *HRC Briefing* 7.9.89)

In other cases the ban under the Internal Security Act was used to refuse permission to hold meetings as with an open-air May Day rally which COSATU planned to hold in Soweto. (*EPH* 2.3.89)

Police action against meetings has most frequently been to disperse gatherings, protests and demonstrations. The Minister of Law and Order told parliament that in April this year 19 gatherings were dispersed by police, and the Human Rights Commission said that reports had been received of the breaking up of 46 meetings during August. (*WM* 5.5.89; '*Days of defiance*', *HRC* 4.9.89)

Despite the extensive powers of the police and their readiness to enforce the restrictions, popular defiance has been widespread. In many cases meetings have taken place without confrontation because of last minute changes in venue which left the police unable to act. The use of commuter trains for meetings of

workers is a further example. The mass defiance campaign involved disregarding restrictions on meetings, and was met by the use of a wide variety of laws (*see Other Trials*).

Simultaneously police violence against meetings and gatherings intensified. Monitoring groups reporting on the period July to August indicated that the whole range of previously observed methods were used. These included preventing access to meetings by mounting roadblocks or surrounding venues with armoured vehicles, and attacks on people with dogs, whips, teargas, batons, shotguns, rubber bullets, stun grenades or water cannons. ('*Days of Defiance*', *HRC* 4.9.89; *see Police for further details*)

Police violence became a further cause of protest and contributed to the pressure leading the government to allow rallies in Cape Town and Johannesburg, by granting permission for them to proceed. Funerals of those killed by the police were also allowed to proceed without the usual restrictions. (*Star* 16.9.89)

Despite these relaxations on some gatherings which were a focus of media attention, armed and violent police action continued against protestors and meetings in the townships and small towns which had borne the brunt of police action throughout the year and in the weeks preceding the elections. (*Star* 15.8.89)

DETENTIONS

Hundreds detained in defiance campaign

A further sharp increase in emergency detentions during July and August, reflected the regime's repressive response to both educational protests and the mass defiance campaign.

At least 250 people were taken into emergency detention between 1 August and 6 September, 20 of them under 18 years old. This does not include 'independent' bantustans (*see below*) or detentions under the Internal Security Act. (*HRC Briefing* 5.9.89; *Star* 5.9.89)

UDF, community and student leaders

Detentions of UDF national officers and regional leaders began shortly before the sixth anniversary of the UDF, due to be marked by organisations and individuals declaring themselves 'unbanned'. Mohammed Valli MOOSA, the acting general secretary, was detained from 18 August until 29 September. Also detained were Titus MAFOLO, Curnick NDLOVU, who chairs the national executive, and Mandla DLAMINI, the regional UDF organiser in Johannesburg. Mafolo, an executive committee member, was detained on 13 September after addressing a meeting at

Witwatersrand University. Ndlovu, who was detained on 31 August, and Dlamini were reported to be in solitary confinement, which is unusual for emergency detainees. Dlamini was detained with Amos MASONGO, an education officer for COSATU, whilst reporting to police in compliance with restriction orders. (*NN* 18.8.89; *GN* 1/15.9.89; *Star* 2.9.89; *T/MS/WM* 15.9.89)

In the Northern Transvaal the UDF regional president, Louis MNGUNI, was detained on 15 August, as was the secretary, Joyce MABUDUFHASI, who is also a member of the executive of the National Education Crisis Committee (NECC) and is restricted under the emergency regulations — Mabudufhasi was released on 9 September. Their detention related to the situation at the University of the North, whose temporary closure was precipitated by a police raid on the campus on 10 August. Students had been boycotting classes and food in protest over the detention of SRC members and assaults by police. (*S* 17/21.8.89; *WM* 15.9.89)

Others detained in the Transvaal included the Western Transvaal regional secretary of COSATU, Zwelinzima VAVI,

detained on 1 September. Obed BAPELA and Paul TSHABALALA, acquitted of treason five months ago, were detained in September and began a hunger strike in police cells in the Orange Free State. They were released after one week.

In Natal another COSATU organiser, Sipho CELE, the regional secretary for northern Natal, was detained on 30 August. On the same day three leading members of the United Committee of Concern (UCC), an organisation which represents residents of the Coloured townships around Durban, were also detained. (*South* 17.8.89; *NN* 18.8.89; *DD/Star* 31.8.89; *DN* 1.9.89; *Star* 2/3.9.89; *HRC Briefing* 5.9.89; *WM* 15/22.9.89)

Detentions of UDF and community leaders in the Western Cape are reported below in connection with hunger-strikes. Another focus of emergency detentions in the Western Cape were pupils and students, who have played a major role in recent popular resistance to apartheid as well as protests over education. (*See Focus* 84 p.6) At least 56 pupils, three teachers and one academic were reported detained during August. (*Repression Monitoring Group* 31.7.89, 7.8.89; *WM* 7/18.8.89; *CT* 23/24.8.89; *South* 31.8.89,

7.9.89; HRC Briefing 7.9.89; Star 11/21.9.89)

Hunger strikes

Students, teachers and UDF members detained in the Western Cape during election week staged a two-day hunger strike on 5 and 6 September. They were protesting at their own detention and at the transfer of detainees on hunger strike to Grootvlei Prison in Bloemfontein. Detainees from the Western Cape on hunger strike included a student, Gloria VEALE (18), detained on 18 July and transferred to Grootvlei Prison, and Willie HOFMEYR, a member of the UDF Western Cape executive. Gloria Veale was released on 16 September.

Hofmeyr, a lawyer, was released from six months solitary confinement under emergency regulations in October 1988, under tight restrictions. He was detained with Trevor MANUEL and Bulelani NGCUKA, both members of the regional UDF executive, and Tsidi MOAHLULI from Paarl. All four immediately began a hunger strike. Whilst Manuel, Ngcuka and Moahluli were transferred to Grootvlei, Hofmeyr was moved to Groote Schuur hospital on 29 August with stomach cramps and internal bleeding. He was placed under police guard, and chained to his bed. An interdict granted by the Supreme Court ruled that the police could only chain him to his bed at night. The other three suspended their hunger strike on 12 September — Ngcuka and Moahluli were released on 15 September, and Manuel later the same month. Hofmeyr, his condition 'extremely serious', was released on 22 September. (CT 28/29.8.89, 6.9.89; Star

29.8.89, 6/11.9.89; BBC 31.8.89; WM 15.9.89; SS 17.9.89; FT 25.9.89; Ind 27.9.89)

Two Eastern Cape clergymen, both members of the Standing for Truth Campaign, a national committee of religious representatives which played an active role in organising the defiance campaign, were detained under the emergency regulations on 2 September. They were Lulama NTSHINGWA of Stutterheim, and Zolile MKENTANE of Adelaide. Four other Adelaide residents were detained with Mkentane, two days before the funeral of a local youth allegedly shot by a policeman in August after a church service to launch the defiance campaign in the area. All five embarked on a hunger strike on 7 September. Priests from the Border Council of Churches (BCC) who marched through Stutterheim calling for their release were beaten by police and had their petition rejected. In Adelaide a similar march handed a petition to the police calling for Mkentane's release. (SS/NN 8.9.898; DD 12.9.89; WM 15.9.89)

Bantustans detentions

On 1 August the Venda bantustan administration declared a State of Emergency after community protests and educational boycotts over detentions (see *Venda Bantustan*). The Far Northern Transvaal Crisis Co-ordinating Committee (FNTCCC) and the Northern Transvaal People's Congress (NOTPECO) declared a week-long strike during 5-12 September, in protest at the detention of 590 people. Amongst those detained were several church ministers and scores of students, workers and others. (NN

4.8.89; S 8.8.89; SS 8.9.89; see List)

Four church ministers released from detention on 8 September were immediately re-detained despite a court ruling that the detentions were invalid. The Reverend PHOSIWA was hospitalised in Siloam after one week, whilst the Reverends SIHLANGU, RANNZWA and LIDOVHO, along with a fieldworker of the Northern Transvaal Council of Churches (NTCC), Phaniel Magwedzha MPHAPHULI, remained in detention. (NN 4/11.8.89; S 30.8.89, 11.9.89)

Students at the University of Venda returned to campus in mid-August, after the authorities had closed it for two weeks. A class boycott followed, over students detained for opposing 'independence' celebrations. The bantustan education authorities claimed not to know how many students were in detention. The names of three were reported (see List). Many of those detained belonged to the Northern Transvaal Students Organisation (NTSO), representing higher education students in the bantustan. (Star 7.8.89; S 8.8.89; BBC 10.8.89; NN 25.8.89)

Thirty-five teacher-training students from Butterworth College in the Transkei were detained after a South African Women's Day meeting in August. They were suspended by the principal and detained after refusing to vacate the premises. They were later charged with taking part in an 'illegal boycott' and breaking a 24-hour campus curfew imposed in response to a class boycott in the Butterworth area. Five students were detained during July at the University of the Transkei. (DD 9/12/15/16.8.89; NN 25.8.89)

DETAINEES — Additional to previous FOCUS lists

Date	Place	Name (Age)	Details (where known)
9.5.89	Western Cape	Mzamo, Reggie	ISA 29
July '89	Umtata	Goso, Nydebo	TPSA 47. University of Transkei SRC
7.7.89	Umtata	Mabude, Chwayita	TPSA 47. University of Transkei SRC
14.7.89	Umtata	Myataza, Nkosinathi	TPSA 47. University of Transkei
14.7.89	Umtata	Datela, Don	TPSA 47. University of Transkei SRC
14.7.89	Umtata	Manciya, Bongani	TPSA 47. University of Transkei
Rep.31.7.89	Venda	Lidovho, Gundo	MLOA 28. Director Mulweli Counselling Centre. Released 29.9.89
1.8.89	Umtata	Dlokweni, Nokulunga	TPSA 47. TRAPOWA national organiser
Rep.1.8.89	Venda	Sihlangu, Rev.	MLOA 28. Lutheran priest
Rep.1.8.89	Venda	Phosiwa, Rev. M. P.	MLOA 28. Lutheran priest. Hospitalised during week of 31 July
8.8.89	Venda	Mphaphuli, Magwedzha Phaniel	MLOA 28. NTCC fieldworker. Released 29.9.89
Rep.8.8.89	Venda	Rannzwa, Rev.	MLOA 28. Lutheran priest
10.8.89	Nelspruit	Nkuna, Joseph	ISA 29. SAYCO Member. While on bail. Rel.by 1.9.89. (See <i>Other Trials</i>)
10.8.89	Transkei	35 unnamed students	TPSA 47. Butterworth Teacher Training College. Following Women's Day Celebrations
Rep.10.8.89	Venda	Luruli, Abram	MLOA 28. Student. Detention sparked class boycott. Released 29.9.89
Rep.10.8.89	Venda	Mutobvu, Thivhilali	MLOA 28. AZAPO member. Released 29.9.89
Rep.12.8.89	Transvaal	Maele, Raymond (27)	ISA 28. (See <i>Political Trials</i>)
25.8.89	Nelspruit	Mazibuko, Aaron	ISA 29. Hospitalised in Johannesburg
26.8.89	Venda	Mlondobozi, Edward	MLOA 28. NUM official based in Phalaborwa
26.8.89	Venda	Netshitendzhe, Macdonald	MLOA 28. Mulweli Counselling Centre official. Released 29.9.89
26.8.89	Venda	Mutsila, Takalani	MLOA 28. NUM member
Rep.1.9.89		9 alleged guerrillas, 10 supporters	ISA 29

ABBREVIATIONS

Laws: ISA — Internal Security Act, Sections 28/29; MLOA — Venda Maintenance of Law and Order Act, Section 28; TPSA — Transkei Public Security Act, Section 47. Organisations: AZAPO — Azanian People's Organisation; NUM — National Union of Mineworkers; SAYCO — South African Youth Congress; TRAPOWA — Transkei Post Office Workers Association.

VENDA BANTUSTAN

Protests against 'independence'

Hundreds of residents in the Venda bantustan were detained as the struggle against repression by the authorities intensified in the period running up to the tenth anniversary of the bantustan's 'independence'. Students, workers and others embarked on stayaways and school and consumer boycotts as the authorities continued to exclude opponents from institutions of political power in the bantustan by legislation and manipulation of the legal system. These measures, and the imposition of a State of Emergency in the bantustan in August, failed to stem the resistance.

The mysterious deaths of residents, described in the press as 'ritual killings', which were linked with the bantustan authorities and resulted in a first successful stayaway in 1988, continued to haunt the bantustan as more people were killed in such circumstances. Although the bantustan authorities set up a Commission of Inquiry into the killings in August 1988, it received its evidence *in camera* and potential witnesses withdrew their participation in protest. In August, Theophilus Mutsheane, head of the bantustan intelligence service, was charged with killing a two-year-old boy in 1988. Mutsheane, like the bantustan's former 'Minister of Justice' last year, was removed from his post. Both developments seemed to support the view widely held in the community that senior officials in the bantustan were involved in the killings and were concealing the facts. (S 3/22.7.89, 27.8.89)

The resistance, however, also focussed on the tenth anniversary of 'independence' on 13 September. The celebrations came a year after elections to the bantustan's national assembly in which anti-independence candidates were excluded from standing for elections under specially enacted legislation (see *Focus* 79 p.5). During the same period,

John Tshivhase, a bantustan official, deposed Kennedy TSHIVHASE (27), a traditional leader, through manipulation of the legal process. These developments thrust such opposition forces into the ranks of the growing extra-parliamentary groups challenging the bantustan authority. Under the Northern Transvaal People's Congress (NOTPECO), a campaign against the 'independence' celebrations involved students, workers and others. In August bus and taxi owners joined in the call for a one-week stayaway, forcing the bantustan army to transport the few people who wished to go to work. Educational institutions were deserted. A delegation of church leaders had earlier petitioned the bantustan authorities to cancel the celebrations. Another stayaway was called for 5-12 September in protest at the celebrations. Residents were also demanding the renunciation of 'independence', the withdrawal of troops and police from villages and campuses and an end to police interference in educational matters. Over 590 people were detained in the build up to the anniversary. Anger in the community had been generated by the imposition of taxes on residents to finance the celebrations even though so many totally reject their exclusion from South African

citizenship. (S 15/26.9.88, 27.10.88; NN 4.8.89; WM 4.8.89, 1.9.89)

Education struggles

The authorities failed to suppress the wave of protest in schools and colleges which began with the mysterious death of Mukosi MANHINA (32), a school teacher, in July last year. The bantustan authorities detained students, excluded others and transferred some to remote areas in what appeared to be punishment for their participation in resistance. Only 25 per cent of final-year matriculation pupils wrote their exams last year according to the Venda Department of Education, a figure disputed by some teachers who said that no students sat as a result of the protests. Students were confronted by the violent Venda Youth League, which is linked to the bantustan authorities, when they attempted to establish Student Representative Councils. This year began with a series of school boycotts as students, supported by their teachers, demanded the withdrawal of the army from their villages and the banning of the Youth League. They also objected to a decision by the bantustan's education authority to turn them into part-time students.

Students from the University of Venda (UNIVEN) and the Venda College of Education (VECO) also resumed their boycotts, demanding the dismissal of a chief security guard at the university who was thought to be a policeman, and abolition of the Bachelor of Police degree which they claimed involved training in torture methods. They also said women students were sexually harassed by some lecturers. (CP 27.11.88; NN 12.1.89, 22.9.89; WM 19.5.89)

POLICE

Violent response to defiance

Police responses to peaceful mass defiance continued to rely mainly on methods involving use of lethal weapons. However, other responses included deployment of unarmed women officers to stop an 'illegal' march by religious functionaries; and their noticeable absence from mass marches in Johannesburg and Cape Town in September.

In the early stages of the defiance campaign police used whips, batons, teargas and shotguns to disperse gatherings (see *Restrictions on meetings*). Hundreds of people who marched to Kempton Park Magistrates' Court near

Johannesburg on 10 August in support of 27 COSATU members facing charges arising from the defiance campaign were whipped by police (see *Other trials*). Rubber bullets, whips and batons were used to clear black visitors from 'whites-only' beaches in Cape Town in August. A bus heading for the beach was fired at by the police, injuring four people. At the Universities of the North and Fort Hare police used similar methods against marches in support of the defiance campaign. (CT 7.8.89; T 11/21.8.89; Obs 20.8.89)

On 5 August at Groote Schuur Hospital, police fired teargas and shotguns to disperse a group of well wishers visiting Oscar Mpetha on his 80th birthday. Mpetha, who is seriously ill, is serving a five-year prison term under guard in hospital.

Police response to the presence of the media was guided by the methods they wished to use to break demonstrations. Where they used non-violent methods they did not prevent media coverage, but in incidents where lethal weapons were to be used representatives of the media were first removed or detained. (MS 2.9.89)

Cape residents killed

On 6 September, election day, police went on the rampage in Cape Town townships killing more than 20 people including a three-month old baby and a 16 year old pregnant girl and injuring over 200 others. The incident followed similar actions in various parts of the country a few days before the elections. Although police attributed the deaths to 'factional fights' overwhelming eyewitness and professional evidence showed that the police were responsible.

On 5 September, a placard demonstration continues opposite

PRISONS

Prisons protests

The increasing number of prisoners sentenced for political activity, though not all under South Africa's 'security legislation', has been highlighted by confirmation that the International Committee of the Red Cross (ICRC) has had to continue suspending its visits to South Africa's prisoners because of the regime's reluctance to acknowledge the true number of prisoners.

In August 1989 independent monitoring groups knew of 877 political prisoners, of whom 179 were under 21 when sentenced. Of the total, 723 were sentenced since February 1986. The figures are an underestimate as they are based on press reports.

The regime only gives figures for prisoners classified as 'security' offenders: those sentenced under the Internal Security Act or for treason under the common law. These numbered 308 in December 1988. However, common law charges including 'public violence', 'damage to property' and 'murder' are also used to imprison apartheid's opponents. Between July 1987 and July 1988, 1,117 people were charged with 'public violence', of whom 509 were convicted. Official figures exclude prisoners in 'independent' bantustans. (*Debates* 16.3.88; *CT* 29.5.89)

Visits suspended

The ICRC visited prisoners sentenced for 'security' offences annually from 1969 to 1986 and those held in 'preventive detention' since December 1977. Protests by prisoners and ex-prisoners' statements have commended its role in alleviating conditions. From 1986 the ICRC intensified efforts to obtain access to 'all cat-

egories of detainees held for reasons of security'. It was concerned for those 'arrested and sentenced under the state of emergency', detainees held under Section 29 of the Internal Security Act, detainees awaiting trial, political prisoners sentenced to death and people convicted of politically-motivated public violence offences. In December 1988 the ICRC extended its assistance to families of those imprisoned for public violence, but was refused permission to visit them. (*Focus* 14 p.12, 75 p.7; *SS* 8.11.86)

The ICRC's decision to suspend all prison visits in protest at the regime's refusal was confirmed in April 1989 by the Minister of Justice who said an 'extension' in the categories of prisoners visited 'cannot be considered'. (1988 *Annual Report*, ICRC 1989; *Debates* 28.4.89)

The ICRC makes separate agreements with 'independent' bantustans. Transkei officials have refused to allow visits, despite pressure by the ICRC since 1982 and protests by prisoners since 1987. A Ciskei police official said in January that visits there last took place in September 1986. (*Focus* 83 p.10)

Conditions exposed

On 7 August, 11 prisoners awaiting trial on charges of 'terrorism' in Wellington Prison in the Transkei renewed a hunger strike they had begun in March. They renewed their action when the authorities broke undertakings which had ended the initial strike: an improved diet and the lifting of restrictions on relatives' food parcels. The prisoners had been moved to a damp cell, were denied access to newspapers and had visits reduced. (*Focus* 83 p.10; *HRC Briefing* 25.8.89)

Officials, who initially denied the hunger strike, failed to inform the prisoners' families and took away some of the protesters' blankets and sleeping mats. Two prisoners were hospitalised and held in leg irons under police guard but they continued to refuse food.

On 21 August, officials undertook to implement some of their demands: contact visits, visits by independent doctors,

access to newspapers, television and radio, provision of underwear, nightwear and indoor game facilities and an increase in exercise time. (*DD* 12/15/22.8.89; *NN* 18.8.89)

Other prisoners who had been awaiting trial for two to three years in the Eastern Cape, went on hunger strike on 16 August to expose their prolonged detention. (*DD* 25.8.89)

On 5 September, 32 prisoners in Johannesburg were teargassed and beaten by warders to force five of them to attend court. They had refused to leave their cell in protest at warders' actions earlier that week: seven prisoners and detainees were strip-searched and had their possessions confiscated when returning to prison after hospital and court appearances. Lawyers were told these were 'necessary security' measures in the election period. (*Focus* 83 p.9; *NN* 8.9.89)

The use of the courts to break protests, even inside prison, was reflected by sentences on Mary NGEMTU (43), a political prisoner serving a one-year term for furthering the aims of the ANC. Ngemtu was sentenced to a further three months for assault and intent to do grievous bodily harm after an incident at Worcester Prison where she was awaiting trial. She allegedly bit a warder to prevent the removal of her cell-mate while they were both on hunger strike. A further one-month sentence for shouting 'Amandla' in court was set aside in September. Ngemtu was given a six-month sentence for assault and malicious damage to property by a court sitting inside Worcester Prison in March 1989. (*Focus* 82 p.6; *HRC Update* July 1989; *CT* 12.9.89)

Another prisoner, Litha MLAHLEKI (29) was due to appear in court on Robben Island on 26 July on charges of assault and disobedience. He began a 42-year sentence for public violence in November 1978 when he was 18. He went on hunger strike in September 1987 in protest over prison conditions. (*Focus* 20 p.10, 74 p.3; *HRC Update* July 1989)

VIOLENT RESPONSE

continued from previous page

tion in Mitchells Plain town centre was stopped by police under the command of a Lieutenant Rockman and given 20 minutes to disperse. As they prepared to do so they were beaten up by riot police who had arrived on the scene. Shocked by their actions, Rockman broke police codes of conduct and made public his disapproval of their methods, saying they were responsible for causing the 'unrest' in the area. He said police assaulted people indiscriminately, and that he saw a woman who was eight months pregnant deliberately knocked down by police. (*WM* 8.9.89; *S Star* 10.9.89)

At Lavender Hill a church was turned into a makeshift hospital where between 50 and 60 people were treated for bird-shot and buckshot wounds. A local priest said 'children sitting on the stair-

cases of their homes were also shot . . . It looked like a battlefield.' In Khayamandi, Stellenbosch, Liziwe MASOKANYE (23) and her three-month old baby girl died of gunshot wounds. In Mitchells Plain police armed with shotguns and whips patrolled in an ambulance, attacking residents at random. Seventy-five senior doctors who treated the victims of police violence complained to the Minister of Law and Order about their misconduct and reckless use of force. In Manenberg one doctor said he treated children between 14 and 19 years of age suffering extensive birdshot injuries. He found that the concentration of pellets demonstrated that the victims were fired on at close range.

Inquests

As these events took place, the courts continued to exonerate police from responsibility for misconduct in earlier shootings.

In July 1989, an inquest into the death of Ashley KRIEL (20), a member of the ANC and its military wing Umkhonto we Sizwe, concluded that he was killed after a shot was accidentally fired by a warrant officer, Jeff Benzien, in a tussle between Kriel and two policemen on 9 July 1987. The inquest found that the shooting was 'within the bounds of Benzien's duty'. The circumstances of Kriel's death led to public suspicion that he was summarily executed.

In the inquest into the death of Caiphus NYOKA on 24 August 1989, the court concluded that his death was not brought about by an act amounting to an offence on the part of any person. The magistrate said the police did not go to his house with the intention to murder and could not be held criminally responsible. Nyoka was shot and killed by police after three of his friends were forced to leave his room. (*Focus* 72 p.4, 73 p.6; *Star* 17.5.89; *S* 14.7.89; *IDAF* 16.8.89)

POLITICAL TRIALS

*Completed trials***Cele**

On 27 July a Durban regional magistrate sentenced a Lamontville activist to an effective four years' imprisonment after convicting him under the Internal Security Act. Bhekokwakhe Hamilton CELE (36) was detained at Umgababa in August 1988 and charged in February 1989. The first magistrate to hear his case withdrew after four days following discussions with Cele's lawyer. He had attended a South African Defence Force briefing at police headquarters in late 1985 which consisted of an SADF video and a talk taking an anti-ANC/UDF line. Natal's Judge President then advised the magistrates present not to pre-judge over political trials. (*Focus* 63 p.7)

Cele, a member of the Masibonane Lamontville Youth Organisation, was alleged to have undergone military training in Angola and Zambia and to have returned to Durban to recruit and train ANC members. Evidence against him came from three unidentified state witnesses who claimed to be former ANC members who had known him in Angola. One, Witness C, whose gender was even kept secret, testified for a week *in camera*. Witness B said he was still being regularly interrogated by the police a year after he had made a statement. He was also due to give evidence in another trial. (*NN* 2.6.89; *DN* 13/14/21/27.6.89, 28.7.89; *New African* 17.7.89)

Dikana and others

The trial of ten residents from Port Elizabeth and Uitenhage ended in the Port Elizabeth Regional Court in April with the conviction of seven accused on charges of 'terrorism'. The ten were detained in June 1988 and were alleged to have plotted in the previous six years to bring about 'political, industrial, economic and social change' in South Africa. They were also charged with membership of the ANC and importing or being in possession of a variety of weaponry and ammunition.

At least two of the accused, Mzwandile Norman DIKANA (28) and Sigqibo Michael GONGO (30), were also charged under the now-repealed Terrorism Act with undergoing military training abroad between 1978 and 1982. Both were sentenced to an effective 10 years in prison. Gongo, a crippled businessman from Kwazakhele, appealed against sentence and may be on bail pending that hearing. Two other defendants also appealing are Michael JOJA (26) and Mthunzi Michael HLEBO (25), each sentenced to two years. Sipho Philemon DUBASE (35) and Eric Vusumzi MABUTO (25) received four years each while Sakhekile Ivan PETANI (28) was sentenced to a one-year term. Nontobeko Alice ZAZE (33), Nancy Msekka NGONO (47) and Nelson Tembekile SISHUTA (51) were all acquitted. (*Focus* 84 p.2; *EPH* 13.8.88, 5.9.88; *WM* 26.8.88; *HRC Update* July 1989)

Madikoto and Mamakganyane

Willie Lancelot MADIKOTO (31) and Lukas Lesiba MAMAKGANYANE (23) were each sentenced to effective 18-month prison terms in May after a prolonged trial in the Tzaneen Regional Court. They were detained in August 1987 and first appeared in court in May 1988 after being flown from Pretoria by helicopter. The state alleged that Madikoto left South Africa in 1982, underwent military training and returned in 1987 with arms and ammunition. He allegedly recruited Mamakganyane who also subsequently went abroad for training.

Madikoto comes from Bloodriver Village near Pietersburg and Mamakganyane from Apel, Sekhukhuneland. They faced seven charges including 'terrorism' but were convicted only on the lesser charge of contravening the Internal Security Act. (*S* 17/18.5.88; *Star* 20.5.88; *HRC Update* July 1989)

Maele and others

A trial arising from alleged ANC guerrilla activities during 1986 in the Orange Free State township of Tumahole, Parys, ended in September 1988 with the imprisonment of three men and acquittal of two others. The proceedings, in the Welkom Regional Court, extended over 17 months and were poorly reported in the press. Details of the sentences were only publicised by the Human Rights Commission in their report of July 1989.

Raymond Ogang MAELE and Jack Themba NKABINDE were alleged to have undergone military training in Angola and the German Democratic Republic between 1979 and 1984 and to have operated in Tumahole between July 1985 and October 1986, aiming to influence people to 'undermine the state by violent means'. They were charged with possession of arms and ammunition. Three Tumahole residents, including Ratshabonyane Tom LETSOENYO, a member of the Civic Association, were charged with harbouring the guerrillas.

At the end of the trial Maele, who had admitted undergoing military training between 1980-1, was acquitted because his offence fell under the 1967 Terrorism Act rather than the 1982 Internal Security Act under which he had been charged. The magistrate ruled that the state had not proved he had also undergone training in 1984. Before he could leave the court Maele was detained under the emergency regulations. In August 1989 he was reported to have been transferred to preventive detention, under Section 28 of the Internal Security Act. Nkabinde was convicted and sentenced to five years' imprisonment. Letsoenyo was acquitted but Pule Isaac MAKGOE (24) and Vusumuzi Philip Khiba (28) were each sentenced to two years. (*CP* 17.5.87, 18.10.87; *NN* 22.9.88; *HRC Update* July 1989)

Magagula

An alleged combatant, Abram MAGAGULA (31) from Evaton, was sentenced to 11 years' imprisonment on 20 July after being convicted of 'terrorism', possession of hand grenades and ammunition and

membership of the Pan Africanist Congress of Azania, by a Pietersburg court.

Magagula was detained at Nancefield near Messina in October 1987 on his return to the country after allegedly undergoing military training. One of those captured with Magagula gave evidence against him, saying he had become a state witness so as to gain his release. Another former PAC member who testified said that he was arrested near Louis Trichardt by South African Defence Force soldiers who shot dead his two companions. He was still being detained under Section 31 of the Internal Security Act at the time of the trial. (*Star* 22.11.88, 7/9/10.2.89, 14.4.89, 17/21.7.89; *S* 13.2.89, 26.7.89)

Mazibuko and others

Three men who have been in custody since 1986 in connection with armed actions in the Eastern Transvaal appeared in the Nelspruit regional court in June and August. Two of them, Patrick Vos MAZIBUKO (29) and Jeffrey Nhlanhla MADONSELA (27), were previously convicted of 'terrorism' by the same court in December 1987 but had won an appeal in the Pretoria Supreme Court in May this year. (*Focus* 75 p.6)

Mazibuko, of Nelspruit, and Patrick Barry PULE (37), of Soweto, were convicted on 30 June of belonging to and furthering the aims of the ANC. They were allegedly found in possession of explosives which they intended planting next to the Pick 'n' Pay complex and the SADF offices in Nelspruit. Mazibuko received a nine-year sentence and Pule one of eight years.

In the same trial Madonsela, of Kanyamazane in the Kangwane bantustan, was acquitted of harbouring the other two accused. In August other charges against him, of murder and attempted murder, were withdrawn. (*S* 24.6.87; *NN* 18.8.89)

Mfeketho and Jaxa

Molliat Mziwoxolo MFEKETHO (32), a teacher in the Ciskei bantustan, was convicted of 'terrorism' in the Cape Town Regional Court on 20 July and sentenced to two and a half years' imprisonment. Xolile JAXA (26) was sentenced to an effective nine months for possessing a tape recording of ANC president Oliver Tambo.

They were originally charged in 1988 with transporting Jabulani George NJAMELA, Sipho MANELI and Vusumzi Ntloni to Botswana earlier that year for ANC training. Charges of furthering the aims of the ANC were replaced by more serious ones of 'terrorism' and ANC membership in February this year. Jaxa was granted bail while Mfeketho remained in custody.

In July the men made certain admissions. While still pleading not guilty, Mfeketho admitted undergoing a week of 'mainly political training' in Angola in 1986. Jaxa pleaded guilty to unlawfully possessing the ANC tape recording. Mfeketho's sister, Noma-India, was detained in September 1988 and remains in custody. (*CT* 31.8.88, 6.3.89, 5/6/21.7.89; *DD* 11.1.89, 21.7.89; *South* 9.3.89)

Mogale

Simon George MOGALE (34) was sentenced by the Johannesburg Regional Court to an effective term of four years' imprisonment on 2 August for hiding limpet mines at his home in Kagiso, Krugersdorp. He pleaded guilty to contravening the Internal Security Act by hiding the armaments and ammunition for a friend of his late brother. At an earlier hearing on 26 July he pleaded not guilty and appeared with his wife Helen who was not asked to plead. No mention of her appeared in the reports of the trial. (Star 27.7.89; S 3.8.89)

Moloi and others

The Rustenburg Regional Court convicted three alleged members of the PAC on 19 June when Norman MOLOI (24) from Soweto and Cyprian NAKI (22) and Simon NECIME, both from Khayelitsha, all pleaded guilty to charges of 'terrorism'. Moloi was sentenced to an effective nine years' imprisonment and the other two to eight years each.

They were arrested at a roadblock at Boekenhoutfontein, near Rustenburg, allegedly in possession of hand grenades, machine guns and ammunition. Evidence against them was given by two unnamed former PAC members. 'Mr X' said he trained with the Cape Town men in Libya and Yugoslavia, while 'Mr Y' said he and Moloi underwent training in Tanzania and Libya. (S 20.6.89)

Wabani and others

In another trial which received little press coverage, five Humansdorp activists were sentenced by the Regional Court in July for their role in advancing the ANC's armed struggle. Two alleged combatants, Mzologu WABANI (29) and Pumlanzi NGQUNGWANA (28), were convicted of undergoing military training outside the country and sentenced to seven years each. Sungqile HOBONGWANA (32), Mabelandile STAMPO (31) and Tabanga PUBA (32) were all convicted of harbouring and assisting guerrillas — the first two received effective two year prison terms while Puba had all but six months of a three-year sentence suspended. All the accused changed their pleas to guilty during the trial. (South 27.7.89)

Williams

A young woman who was tortured in detention and suffered a nervous breakdown through being kept in prolonged solitary confinement was sentenced to seven years' imprisonment at the end of July after being convicted of being an ANC member and undergoing military training. Pumla WILLIAMS (29) from Soweto was sentenced in the Evander Regional Court in the Eastern Transvaal after earlier hearings in Witbank and Bethal.

Williams allegedly joined the ANC after the Soweto Uprising and left South Africa in 1978 to undergo military train-

ing. The state sought to link her with Ebrahim Ismael Ebrahim and what was described as the ANC's Regional Political Military Command. Press reports speculated that Williams was originally detained as a state witness against Ebrahim (see Focus 81 p.8 for his trial). Sheila NYANDA, who like Ebrahim was kidnapped from Swaziland, was subpoenaed to testify against Williams but was subsequently charged herself. (Focus 84 p.2) Six members of William's family including her mother, sister and two aunts were also subpoenaed and one relative, Busi TEDILE, was detained under the Internal Security Act. An aunt, Violet MBAMBISA, was charged with perjury following her evidence which reportedly differed from a previous statement she had made.

Williams' own statement was ruled inadmissible after evidence of torture. (Focus 84 p.2) According to the state's case, she worked for the ANC in Maputo between 1980-3 and then in Swaziland. She allegedly returned to Soweto during 1986 participating in reconnaissance and recruitment work, including that of two policemen. The main state witness 'Mr X' who submitted documents allegedly written by Williams was also believed to have testified against Ebrahim. Williams denied ever having met Mr X, said to be a former ANC member. (NN 19.1.89, 30.3.89, 5.4.89, 9/30.6.89, 14.7.89, 4.8.89; Star 28.3.89)

MEDIA**New state tactics against media**

Prosecutions of publications and editors, and police action against journalists, have been the principal means by which the regime has attempted to censor the media in recent months. There has been no suspension of publications under emergency regulations since February, when *Grassroots* and *New Era* were closed for three months.

Restrictions on reporting intensified during the election period, in an attempt to prevent coverage of the defiance campaign. During August 74 journalists were arrested whilst reporting protests or participating in protests against media restrictions. On 30 August, 12 *Argus* reporters holding a placard demonstration against restrictions outside their office were charged with attending an illegal gathering. Similar charges against 14 *Cape Times* journalists followed another placard protest on 5 September. (S 1.9.89; CT 2.9.89)

During August and September police briefly held reporters and confiscated photographic materials before taking violent action against protestors (see *Police*). A film crew covering a protest against the Labour Relations Amendment Act in the Western Cape on 5 September was charged with attending an illegal gathering. At a protest march in

Cape Town on 2 September, police seized tapes and arrested 52 journalists: two were held and charged under emergency regulations. The *Cape Times* was under investigation for publishing a photograph of police action against the marchers. (HRC Briefing 3.9.89)

Action was taken against several publications for quoting 'listed' persons in contravention of the Internal Security Act. In June a court imposed suspended sentences of six months imprisonment on the editor and a R1,000 fine on the publishers of *Vrye Weekblad* for quoting Joe Slovo, the secretary-general of the South African Communist Party. The *Sowetan*, *Weekly Mail* and *New Nation* face similar charges for reports quoting Harry Gwala. The editor of the *Sunday Times* and a reporter were acquitted in September but the publishers were fined R2,000. *Saamstaan* and the *Burger* were under police investigation. (CT 22.6.89, 4.7.89, 17.8.89; Star 25.7.89; NN 4.8.89; S 7.9.89)

The emergency regulations have been used against papers alleged to have published 'subversive statements'. Most of the affected reports date from 1987. Charges against an editor of the *Weekly Mail* and two former journalists concern a report exposing the treatment of emer-

gency detainees. Reports of the detainees' hunger strike in January have been under police scrutiny since February. A former editor of *South* and former reporters for the University of Cape Town newspaper *Varsity* were charged for reports on school boycotts. Similar charges were being investigated against *Saamstaan*, *Vrye Weekblad* and the editors of the Rhodes University student paper. (Star 13.2.89, 25.7.89; CT 22.6.88, 8/29.8.89; SS 5.7.89)

Saamstaan was charged under the Prisons Act for publishing Nelson Mandela's photograph in June and was informed of possible charges under the Police and Prisons Act. In June police seized 300 copies covering the trial of a policeman sentenced to 12 years for beating to death a young activist, Andile 'Ace' Kobe. (SS 14.6.89; *Save the Press Campaign*, September 1989)

Other forms of harassment of journalists have continued. Police seized copy from the offices of several publishers and searched journalists' homes. Reporters on the Durban newspaper *New African* suffered burns to their eyes when opening a copy of *New Nation* sent in the post. In August a freelance journalist in Cape Town revealed that police recruited him to infiltrate the media during his detention in 1987. In another case, police denied having put pressure on a Lenasia-based reporter to work for them. (South 18.5.89; SS 12.7.89; S 14.7.89, 14.9.89; CT 17.7.89; Star 16.8.89)

Death sentence upheld

Joseph CHIDI, whose trial was reopened in June, has failed in an attempt to have his death sentence overturned. He was convicted of murder in September 1987 for his alleged part in the killing of a Tembisa councillor, Gideon Moeng, in May 1986 (see *Focus* 74 p.6). In March this year the Bloemfontein Court of Appeal ordered the re-opening in order to re-examine a key witness whose evidence had condemned Chidi. The witness, Joseph CHABEDI, who was himself once charged with Moeng's killing, had retracted this evidence saying he was beaten, kicked and partially suffocated by police. He was then ordered to make a statement implicating Chidi or risk being shot dead. After giving evidence at the re-opened trial Chabedi was arrested on 7 June and charged with perjury.

Justice le Grange, who had sentenced Chidi to death, presided over the re-opened trial alongside two assessors. He accepted the defence argument that Chabedi was a liar but concluded therefore that his retraction was a lie. He speculated about whether Chabedi was 'the author of the scheme or an instrument of the others' concerning the application to re-open the trial. Lawyers for Human Rights initiated the move after Chabedi approached the Witwatersrand Council of Churches about his evidence.

Chidi maintained his absolute innocence throughout both trials and said only — 'I have nothing to say because I did nothing'. Lawyers hope to appeal against conviction and sentence. (*Focus* 74 p.6; *NN* 5.4.89; *Star* 8.4.89; *S* 12/13/14.6.89, 25.8.89)

OTHER TRIALS

Defiance campaigners in court

Several hundred anti-apartheid protesters were arrested and charged in August and the first week of September. The arrests reflect the increased level of open political activity involved in the mass defiance campaign. More people are reported to have been arrested for attending illegal gatherings during this period than for the whole of 1988 when, according to the Minister of Law and Order, 197 were arrested. (*Debates* 28.2.89)

The protests were met with a range of laws. Protestors in Pretoria who tried to board a 'whites-only' bus were charged with conspiracy to commit a crime and contravention of the Separate Amenities Act. Two men appeared in a Cape Town court in connection with 'swimming illegally at a whites-only beach' and at least one man who participated in the campaign for de-segregated hospitals was

charged with trespass. (*Star* 15.8.89; *CT* 22.8.89; *WM* 1.9.89)

Most people, however, faced charges relating to illegal gatherings brought under a number of laws. Anti-election protests in Cape Town resulted in charges against at least 57 people. They included seven members of the Muslim Students Association and Muslim Youth Movement. After a march in the centre of Cape Town protesting against death sentences and the detention of children, 170 women were charged under the Gatherings and Demonstrations Act (prohibiting open-air gatherings and demonstrations near parliament). A picket for the 'right to protest' led to 97 academics being charged with holding an illegal gathering. (*CT* 14.8.89, 2.9.89; *S* 31.8.89)

In Durban, 288 people were reported to have been charged with attending illegal gatherings, including 10 members of the End Conscription Campaign (ECC) who were arrested during a protest marking the declaration by the ECC that it was 'unbanned'. (*CT* 24.8.89)

In the East Rand 460 commuters were arrested between June and August, 27 of whom appeared in the Kempton Park Magistrates' Court in August charged under the Transport Services Act with disturbing the peace. The charges arose out of the use made of commuter trains since 1985 in response to restrictions on gatherings under the emergency — trains have been used as forums for mobilisation, with political debates, protest songs and dances. (*Star* 12.8.89)

Defiance of restriction orders led to the arrest of up to 50 people by the end of August, several of whom were charged. At least one person has been convicted of breaking a restriction order. Moleko KOBUSHI was convicted in the Pietersburg Regional Court in June and given a one-year suspended sentence. (*DD* 24.6.89; *Focus* 83 p.10; *Star* 29.8.89; *WM* 7.9.89)

A case against the former Western Cape vice-chair of COSATU, Noel WILLIAMS, has been referred to the Supreme Court. Williams, who is also active in the Atlantis Residents Association, was charged with breaking his order in September 1988. In the magistrates' court, his lawyer argued that the restriction order issued on his release from detention in 1987 expired with the State of Emergency in June 1988. No date for the hearing had been set by the end of August. (*Focus* 76 p.7; *CT* 29.8.89)

Completed trials

Three men from Mlungisi township, Queenstown, convicted of the murder of a policeman, were sentenced in the Grahamstown Supreme Court in May. Viwe MTSHISELWA (24) was jailed for 15 years, Monde BEDE (26) for 10 years and Honey ROJI (25) received an eight-year sentence. The incident took place in August 1985 during the virtual occupation of the township by police and troops. (*Focus* 83 p.8; *HRC Update* July 1989)

Two trials involving charges of public

violence which were reported in the last issue of *Focus* have ended. In June Casel MATHALE was acquitted in the Ritavi Magistrates' Court. However, John DE VOS (20), convicted on two counts of public violence, was sentenced to five years in prison by the Cape Town Regional Court. He was found to have set fire to a van and taken part in an attack on a policeman's house. (*Focus* 84 p.5; *HRC Update* July 1989; *CT* 2.8.89)

Sean Johan DAMES, a policeman who assisted in the escape of two detainees held under Section 29 of the Internal Security Act, was sentenced to two years in prison in the Wynberg Regional Court in June. The names of the detainees he helped were not reported. (*RMG* 10.7.89)

Daisy MATLOU of the Northern Transvaal Students Congress was convicted in March in the Pietersburg Magistrates' Court of possessing banned literature and received a suspended sentence. In August, the Rand Supreme Court set aside an 18-month sentence imposed in April on Joe NKUNA, an executive member of the South African Youth Congress, for illegal possession of ANC documents. The sentence was reduced to six months imprisonment, suspended for three years. Nkuna had also been given six months in jail or a R1,000 fine for failing to declare money to customs: this sentence was not amended. (*HRC Update* July 1989; *NN* 25.8.89; *Focus* 83 p.8)

In April, Quinton SIMONS, Kim BLAKELY, Russell FILIES and Nasim FISHER were convicted in the Athlone Magistrates' Court of contravening emergency regulations. The four students were found to have protested against the October 1988 municipal elections and were sentenced to eight months and four cuts. They have appealed. (*RMG* 2.4.89; *HRC Update* July 1989)

Bantustan postal workers in court

The struggle by postal workers to organise in the bantustans has been highlighted by two trials, one in the Transkei and the other in Lebowa. The nature of the charges brought in response to industrial action reflects the strategic nature of communications.

Charges of sabotage under the Internal Security Act against three officials of the Post and Telecommunications Workers Association (POTWA) were dropped in the Pietersburg Regional Court on 12 May. Peter MOKOENA, Zet MAPHANGA and Frank PHALANE were arrested in 1987 after a strike by postal workers in the Lebowa bantustan. (*Focus* 82 pp. 6-7; *S* 15.5.89)

Over 200 members of the Transkei Post Office Workers Association (TRAPOWA), an affiliate of POTWA, appeared in courts charged under the bantustan's emergency regulations and legislation relating to 'threats to public security' after industrial action in June. At least 180 were refused bail. Postal services were brought to a halt by the dispute over harassment of union officials. (*Focus* 83 p.9; *DD* 30.6.89; *FM* 7.7.89)

Election tension

Major issues unresolved

Major obstacles remained to free and fair elections as Namibians prepared to go to the polls. In the months leading to the independence elections — scheduled for early November — intimidation persisted as the South African authorities continued to deploy Koevoet police combat units (see Violent lead-up to elections). By mid-September, with six weeks to polling day, electoral rules and the powers of the constituent assembly had still not been agreed.

Despite incidents of intimidation at some reception centres, the return of refugees and exiles under the supervision of the UN High Commission for Refugees was almost concluded by the beginning of September. Nearly 40,000 of the approximately 42,000 refugees who had registered had returned and all but 2,000 moved out of temporary reception centres, with the assistance of the Council of Churches in Namibia (CCN). Other refugees made their own arrangements to return. (Nam 8.9.89)

Voter registration

Voter registration was due to end on 15 September but was extended by a week. By the fifteenth, over 680,000 people had registered, which the South African authorities calculated was more than the estimated electorate. However, the registration was unbalanced, with far more than predicted being recorded in the south and fewer in northern areas and some towns. The high numbers in the south were attributed partly to South Africans eligible to vote, thousands of whom crossed the border to register.

SWAPO stated that South African estimates greatly underestimated the population in the north, especially in the Ovambo bantustan, and that up to 100,000 people had been unable to register because of inadequate facilities. Swapo said that mobile registering teams had been inadequate in Ovambo and had at times been accompanied by police combat units. Similar objections were raised by international monitoring groups. Farm workers also experienced difficulties in registering. (Namibian Press Agency 21.8.89)

There were registration problems in Walvis Bay, where no registration centres were set up because the area is still directly administered by South Africa. The 15,000 voters in the enclave had to travel to Swakopmund to register, passing through South African roadblocks. SWAPO was prevented from campaigning in Walvis Bay. (TN 13.7.89; WO 5.8.89)

The UN has declared — in Security Council Resolution 432 of 1978 — that Walvis Bay and offshore islands also claimed by South Africa are an integral part of Namibia, but in terms of the independence plan, the 'reintegration' of the territories will be dealt with after independence. (WA 10.7.89)

Electoral rules

Electoral regulations — to be drawn up by the South African authorities and approved by the UN — should have been finalised by 12 May. Draft legislation drawn up by the South African Administrator-General was published at the end of July but it was widely criticised and shelved by the UN. A party-list system of proportional representation and a cumbersome process of verifying and counting votes involving repeated opening of the ballot boxes was proposed, which observers said was open to manipulation. The draft law also allowed police, but not agents of political parties, to be present at polling stations and gave the Administrator-General power to control the timing of the election. Most observer groups, as well as SWAPO and the CCN, called for a simplified system with a centralised voters roll. (NCC 30.7.89; GN 31.7.89; Nam 16.8.89)

Constituent assembly

A draft proclamation setting out the composition and role of the elected constituent assembly was rejected by SWAPO and most observer groups as an attempt to undermine the UN plan for independence. The plan itself does not specify the nature of the assembly. The Administrator-General proposed that a 72-member assembly be elected, with the sole brief of drawing up a constitution — the implication being that a further election would be held without UN supervision to decide on a government. The Administrator-General would remain in control — the assembly would be able to submit requests and recommendations to him 'with a view to the attainment of independence', but he would not be obliged to give them effect.

The draft proclamation also specified several constitutional principles to be adopted by the assembly, and allowed the courts to overrule any deviation from these principles. Furthermore, in a clause prohibiting candidates with criminal records, the draft proclamation effectively excluded leading SWAPO members such as Andimba Toivo ya Toivo, who have been convicted of political offences. (Draft Constituent Assembly Proclamation 9/1989)

Negotiations over the electoral arrangements and the constituent assembly continued between the South African and UN authorities throughout August

and at the end of the month a UN legal expert was despatched to Windhoek to try and resolve the dispute. The UN Security Council adopted a resolution which noted that the provisions of the independence plan were not being fully complied with, and demanded 'strict compliance by all parties concerned, especially South Africa'. The resolution asked the UN Secretary-General to 'ensure that all legislation concerning the electoral process is in conformity with the provisions of the Settlement Plan.' (GN 29.8.89; Security Council Resolution 640)

Election line-up

Eleven parties and electoral alliances applied to register on 12 September to participate in the elections. Apart from SWAPO and five small parties, five alliances registered:

- Democratic Turnhalle Alliance (DTA), representing mainly parties based in the disbanded second-tier and bantustan administrations.
- United Democratic Front (UDF), also based on bantustan administrations.
- Namibia National Front (NNF), based around the South West Africa National Union — Progressives (SWANU-P).
- National Patriotic Front (NPF), consisting of groups associated with the disbanded South African-installed central administration.
- Federal Convention of Namibia (FCN), based around the disbanded Rehoboth bantustan administration. (Nam 13.9.89)

Election campaigning started long before the registration of parties on 12 September. All the main groups held meetings or rallies in most urban centres. SWAPO rallies were the best attended, although SWAPO's campaign was hampered by revelations that detainees held in refugee camps on suspicion of being South African spies had been maltreated and in some cases tortured. SWAPO pledged to hold to account those responsible and to work towards reconciliation. The CCN also committed itself to reconciliation. Many ex-detainees remained with or rejoined SWAPO.

The SWAPO president, Sam Nujoma, arrived to a huge reception on 14 September. Fears were expressed for the safety of the SWAPO leaders when it was disclosed that South African police would be responsible for protecting them, especially after the assassination of Anton Lubowski in Windhoek on 12 September. (See Violent lead-up to elections; Nam 24/25.8.89)

REPRESSION IN THE COURTS

New repressive laws

In spite of its clear responsibility under the UN independence plan to remove repressive legislation, in July the South African regime promulgated new measures giving extra powers to the police. Two SWAPO combatants were put on trial for murder and new details became known about the treatment of detainees and prisoners of war.

Proclamation AG 23, the Public Gatherings Proclamation, was issued on 21 July. It aroused widespread criticism and was even compared unfavorably with the 1981 Prohibition and Notification of Meetings Act which was repealed in June. (*Focus* p.10) Whereas previously it was necessary to inform a magistrate 24 hours before a meeting (of more than 20 persons), the new measure lays down that the police should be informed at least 72 hours in advance. Senior police officers are given powers to impose conditions on public gatherings while any policeman of the junior rank of warrant-officer may use force to disperse a gathering. Further controversy concerned a prohibition on carrying weapons — although 'weapon' is defined quite widely, the prohibition specifically excludes 'a pistol or revolver carried in a bag, holster or other container in such a manner that it is completely concealed.' SWAPO described the exemption as 'a licence to kill.' (*Official Gazette* 5756; *Nam* 18/22.8.89)

In August the new measures were invoked on at least two occasions to disrupt SWAPO activities. On 13 August three activists, Raphael DINYANDU, Nimrod MUREMI and Aune SINDANO were arrested when a rally was dispersed at Ndama in the Kavango bantustan. A week later a SWAPO rally at Arandis was broken up by police who claimed it was 'illegal'. The crowd of three thousand people were forced to leave without hearing the speakers. (*TN/Nam* 21.8.89)

The Intimidation Proclamation, AG 24 of 22 July, replaced South Africa's Intimidation Act, extended to Namibia in 1985, by a more far-reaching measure. Newspapers said it was aimed at 'subtle' forms of intimidation including verbal threats — Section 1(b) is couched in the vaguest of terms, outlawing acts which 'would probably have' or could be perceived as having the effect of making someone 'abstain from doing' something or 'assume' or 'abandon a particular standpoint' through fear. Conviction under the law — and proceedings may be held 'in camera' — could entail a maximum term of 10 years and/or a R20,000 fine. (*Official Gazette* 5757; *WA* 18.7.89)

amended eleven more pieces of legislation in the interests of a 'free and fair election.' Section 27c of the Police Act was repealed, removing one of the restrictions on media coverage of the armed forces. However, much legislation which had been criticised, such as Proclamation AG8 of 1980, the National

Intelligence Act and the Post Office Act, remained virtually or completely unchanged. (*Focus* 84 p.10; *WO* 22.7.89)

The question of political prisoners continued to command attention, focusing in particular on Leonard SHEEHAMA who is threatened with execution.

Two combatants, Eino MULE (37) and Haidula ANDREAS (29), went on trial in the Windhoek Supreme Court in August charged with murdering Thomas Hafeni in the Oshikango region of northern Namibia in October 1988. Their defence was that while reconnoitring the area they struck up a conversation with Hafeni — he questioned them closely and revealed he was a member of the South African forces. They took him into custody, in order to hand him over to their superiors, but he escaped and Mule shot him dead.

The two men claimed prisoner-of-war status, arguing that they acted within the context of a war between the South African forces and the People's Liberation Army of Namibia. While stating that the killing was justified Andreas denied taking a direct part in it. He told the court he was shot in the back by police arresting him shortly after Hafeni's death. Judgment in the case was due on 25 August. (*WO* 5/12.8.89)

Torture and death

Political prisoners released under amnesty on 20 July revealed horrifying details of torture they and others endured. Regarding physical assault, the men noted that beatings were directed at the torso in order to injure internal organs such as the kidneys. Beatings with implements such as hosepipes, rifle butts and knobkerries were commonplace. Three prisoners were driven from Osire to Otjiwarongo chained and supine on the back of a lorry, while police trampled their bodies.

Electric shocks were applied during interrogation sessions — in certain cases detainees were suspended from cranes, sometimes upside down, while the torture was applied. Various methods were used to semi-suffocate prisoners and submerge their heads in water. Others were partially buried while being beaten.

Methods used to terrorise and humiliate prisoners included forcing captives to touch live pythons, to have sexual intercourse with corpses, to remain totally naked for weeks at a time or, in the case of women prisoners, be exposed naked to male prisoners. Others had live explosives activated near them. Prolonged solitary confinement caused mental ill-

ness in at least one detainee, Oskar SHIKOYENI, a bank clerk. (*Focus* 58 p.2, 60 p.9, 64 p.9)

Death in custody

Public executions of PLAN combatants were held in order to intimidate the civilian population. Others injured in battle underwent forcible amputation or were deliberately maimed. The released prisoners listed at least four captured combatants who were taken from their cells and remain missing, presumed dead: Simon ABRAHAM, Levi AMADHILA and Markus PAULUS in 1985, and Tambi Willem Many ASHIYARA in February 1987.

The prisoners named a further four detainees whom they knew had died: Filemon Kasita IKELA (43), a school teacher beaten to death at Hocky in 1981; Willem NANGOLO (Ndjaba) killed at Koevoet's Oniimwandi base in March 1985; 'Comrade Dagga' from Etomba beaten at Oshakati around January 1986 and Rev Frederick NGIHALWA who was killed in 1988. (*Namibian Press Agency* 20.7.89)

Disappearances

The secrecy surrounding detentions in Namibia and the proven brutality of the occupying forces made relatives fearful for the fate of detainees who seemed to have disappeared.

In September, news surfaced publicly about a category of political prisoners not previously recorded — former PLAN combatants forced to work on farms run by Koevoet in the Tsumeb area. According to information given by some of the captives to a church monitoring group, the authorities had told them to leave in the run-up to the election but they feared to do so when neither their families nor the public knew of their circumstances. Twenty seven left, but some of these were kept under police surveillance. Others refused to go and gave their reasons to an UNTAG information meeting.

Journalists were allowed to visit the Mannheim farm in the presence of General Hans Dreyer, formerly head of Koevoet and now the northern regional commander of SWAPOL. The farm has been in existence since at least 1984 although one prisoner, Emmanuel ERASTUS, was captured much earlier at Tsandi in 1981 and transferred from Oniimwandi in 1984. Other combatants named were Leo SHINIME, captured near Eenhana in June 1984, and Silas NANGOMBE, abducted from Angola in the same year. They demanded to be released as prisoners of war in the presence of UNTAG and SWAPO officials.

Seventeen of the ex-combatants subsequently left the farm on 18 September saying they had experienced increased police harassment since the press visit. Shinime, the group's spokesman, said they had left only five prisoners on the farm. This figure conflicts with Dreyer's statement that there were 75 ex-combatants there. It is believed other such farms exist. (*Nam* 8/19.9.89)

Violent lead-up to elections

South African-controlled Koevoet counter-insurgency police were implicated in widespread intimidation during the election campaign. Koevoet was supposedly confined to base at the end of August, but intimidation and killings of SWAPO leaders continued.

In terms of the UN independence plan, all police combat units and South African military personnel should have been withdrawn or demobilised and their command structures dismantled by 1 July, except for 1,500 troops restricted to base. But Koevoet units, who formed the cutting edge of the South African military machine, were integrated into the regular police (see *Focus 84 p.11*). The South African Administrator-General refused UN requests to demobilise Koevoet and on 14 July he ordered police patrols in northern Namibia to be stepped up, claiming that South African intelligence sources had detected a force of nearly 2,000 SWAPO combatants in Angola massing on the border. UN investigations revealed that there was no evidence of this. Nevertheless, police combat patrols continued, leading to an increase in violent attacks. (*SWAPO Press Statement 18.7.89; TN 19.7.89*)

An observer mission from the Non-Aligned Movement concluded in mid-August that at least 1,000 South African officers and troops remained in Namibia, forming a command structure 'under the cover of providing administrative support to the demobilised South West Africa Territory Force (SWATF) personnel'. SWATF troops were retained on full pay during the election period. The mission described the demobilisation as 'superficial'. (*TN 18.8.89*)

The South African Defence Force also retained, at least until the end of August, a sophisticated signals and intelligence monitoring system in northern Namibia. This relayed information to the militarised enclave of Walvis Bay, where more than 6,000 troops were stationed, including a complete mechanised brigade withdrawn from the north. (*WA 17.7.89; DN 1.8.89; Nam 2/24.8.89; TN 4.9.89*)

Pressure from the UN Security Council finally led to an announcement by the Administrator-General on 15 August that Koevoet units would be 'confined to base where they will undergo reorientation and retraining'. However, he stated that only 1,200 personnel were involved whereas previously the police commander had said there were 3,000 Koevoet personnel. It was not clear for what purpose Koevoet would be retrained. (*Ind/Nam 16.8.89*)

Continuing UN concern at 'reports of widespread intimidation and harassment of the civilian population,' was reflected in Security Council Resolution 640, adopted on 29 August. This demanded 'the disbandment of all paramilitary and

ethnic forces and commando units, in particular Koevoet, as well as dismantling of their command structures'. It called for a review of the strength of UN military and police forces in Namibia.

Until mid-August, reports of police assaulting and intimidating people in northern Namibia persisted. Investigations into such incidents were conducted by the police themselves and UN forces only monitored investigations. Victims were reported to be frightened to report assaults. Nevertheless, over 100 cases involving the police were being investigated by mid-August. Many victims have instituted civil claims through the independent Legal Assistance Centre set up in July 1988 (see *Focus 81 p.3*). In its first year, the centre instituted 236 claims against the police and army, but in August, with many of the claims pending, the South African authorities attempted to prohibit the centre's attorneys appearing in court. However, the objection was thrown out by the Supreme Court. (*Nam 28.7.89; WO 12.8.89; TN 28.8.89*)

Many assaults were ascribed to ex-members of SWATF units and police in civilian clothes. Cases escalated in the second half of August, and there were widespread reports of intimidation by armed bands consisting of ex-soldiers or police loyal to the Democratic Turnhalle Alliance (DTA). All the northern bantustans were affected, particularly the Eastern Caprivi, Kavango and Ovambo. Although the violence was perpetrated by men openly carrying weapons and moving around in quite large groups, few were arrested or brought before the courts. (*Nam 18.8.89; NCC 20.8.89*)

Much of the violence was directed at intimidating SWAPO election campaigners. In late August the UN

regional director, John Rwambuya, commented that conditions for free and fair elections were 'a very, very long way off'. (*NCC 20.8.89; Nam 22/23/30.8.89, 6.9.89; GN 1.9.89*)

Violence also spread south and there were several clashes and attacks near Windhoek in late August and early September.

Assassinations

Despite numerous assassination threats against SWAPO leaders, the UN Representative in Namibia refused to provide protection, saying it was a South African police responsibility.

On 1 August Petrus JOSEPH, a former SWAPO combatant who had been captured and forced to join Koevoet, but who had since rejoined SWAPO and was playing a prominent role in its election campaign in Rundu, was killed by police who ambushed him in his home. He had obtained a court order in March restraining police and soldiers from harassing him, after repeated threats. (*Amnesty International 4.8.89*)

Another prominent SWAPO supporter in northern Namibia, Kondjashili NDIP-WASHIMWE, narrowly escaped death when five men attacked his home on the night of 18 August firing shots and throwing a hand-grenade. A SWAPO community leader, Simon David HANSE, was killed by police during a confrontation between police and a crowd of residents in Leonardville in southern Namibia. (*Nam 22.8.89, 6.9.89*)

Anton LUBOWSKI, a prominent lawyer who was a SWAPO politburo member and deputy head of administration at SWAPO's election directorate, was shot dead outside his home in Windhoek on 12 September. His assassination, which came only two days before the return to Namibia of SWAPO President Sam Nujoma, led to renewed international demands for the UN to improve security before the elections. (*GN/FT 13.9.89*)

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Peace moves hide destabilisation

Despite the moves towards regional peace over the past year and the South African withdrawal from Angola, South Africa has continued its campaign of destabilisation against neighbouring countries.

A study commissioned by the Commonwealth Special Committee on Southern Africa, and released in Harare in February this year, calculated that over the last eight years South African destabilisation had led to the deaths of 1.1 million people and cost the independent Southern African states US\$35 billion. A report published by the United Nations Children's Fund (UNICEF) in April showed that infant mortality rates in Mozambique and Angola were the highest in the world, with 25 children dying every hour, largely as a result of South African-sponsored destabilisation. The UN Secretary-General, Perez de Cuellar, revealed in August last year that about five million Angolans and Mozambicans had been displaced by the wars and another million had become refugees. (SS 12.4.89; FT 23.8.88; DD 9.2.89)

While South African attacks on Angola came to an end this year (see *Focus* 82 p.12, 78 p.12), Angola continued to be ravaged by South African-backed UNITA forces. Despite the withdrawal from Namibia, there were reports of continued South African support for UNITA, and US supplies were flown in from Zaire. Attempts to bring about a settlement to the conflict through an agreement reached in Zaire in June this year quickly broke down when UNITA reneged on the terms, and heavy fighting ensued. (FT 25.8.89)

In Mozambique, meetings between South African and Mozambican authorities and attempts by the

government to establish a ceasefire with the MNR failed to lead to a reduction in MNR activity, which followed the established pattern of attacks on villages, schools, transport networks and health facilities and the massacre of civilians. There was continuing evidence of South African support for the MNR, despite official denials. Defectors from the MNR consistently reported the presence of South African military instructors at MNR bases and the provision of South African supplies. In August and September, the Mozambique news agency AIM published several interviews with ex-MNR members detailing these South African links. In March 1989 the US Deputy Assistant Secretary of State for Africa disclosed that the US was aware of MNR bases near the South African border which were being supplied by the SADF and private sources in South Africa. (SS 30.11.88; WM 2.12.88; Ind 11.3.89; FT 2.8.89; AIM 4/5/8/13.8.89, 2/7.9.89)

South Africa also carried out a spate of bombing attacks in Zambia, mainly aimed at ANC personnel there, and the attacks continued even while preparations were being laid for a meeting between the South African President-elect FW de Klerk and Zambian President Kenneth Kaunda. In June 1989 four bombs, all aimed at the ANC in Lusaka, exploded in a four-day period, and during 1988 there were at least 25 bomb explosions in Zambia, which injured 43 people mainly in Lusaka and Livingstone in the South-west. There were also cases of assassination and poisoning of ANC officials and the planting of landmines near ANC houses. (DN 5.12.88; S Star 28.5.89; Star 26.6.89)

Repeated threats were made against Botswana, which was accused of being a transit point for ANC guerrillas, and there were a number of attacks. On 12

December last year South African troops raided Dithlharapeng village in the Borolong area, killing a boy and a man and burning homes. In August 1988 the South African authorities announced that they would build a 24-kilometre security fence along part of the border with the north-western Transvaal, and this year the SADF's notorious 32 Battalion was moved from its base in northern Namibia to a new base at Pomfret on the Botswana border. (BBC 14.12.88; CP 25.9.89)

The construction of a fence along a 75-kilometre stretch of the Lesotho border was announced in September last year, while the border with Swaziland was repeatedly violated by South African forces during 1988, when at least five people were shot in border incidents. On 12 February 1989 three South African youth activists were found murdered in a car in Swaziland. (SS 21.9.88, 8.3.89; Star 31.10.88)

In Zimbabwe, the trials of several people involved in bombing campaigns (see *Focus* 78 p.12) shed some light on the nature of South African destabilisation operations. Three Zimbabweans were sentenced to death in November last year for a car-bomb attack on an ANC residence in Harare, in which one person was killed. They revealed extensive contacts with South African intelligence agents and the supply of equipment by night-time parachute drops. Two of the men were subsequently convicted along with another Zimbabwean of assisting South African commandos in an attack on ANC offices in Harare in May 1986. During the trials of the three men, a South African commando squad attempted to rescue them, but one of the squad was captured in Botswana en route. He was also subsequently put on trial in Zimbabwe. Later another Zimbabwean working for South African intelligence was put on trial for a car-bomb attack in October 1987. (Ind 18.7.88, 18.10.88; GN 10.6.89)

Sources and abbreviations: BBC British Broadcasting Corporation Summary of World Broadcasts, London; *Cit* The Citizen, Johannesburg; CP City Press, Johannesburg; CT Cape Times, Cape Town; DD Daily Dispatch, East London; *Debates* Parliamentary Debates, Cape Town; DN Daily News, Durban; EP Evening Post, Port Elizabeth; EPH Eastern Province Herald, Port Elizabeth; FM Financial Mail, Johannesburg; FT Financial Times, London; GG Government Gazette, Pretoria; GN Guardian, London; HRC Human Rights Commission Johannesburg; MS Morning Star, London; Nam Namibian, Windhoek; NCC Namibia Communications Centre, London; Obs Observer, London; S Sowetan, Johannesburg; SS Southscan, London; S Star Sunday Star, Johannesburg; Star Star, Johannesburg; ST Sunday Times, London; S Trib Sunday Tribune, Durban; Tel Daily Telegraph, London; T Times, London; TN Times of Namibia, Windhoek; WA Windhoek Advertiser, Windhoek; WM Weekly Mail, Johannesburg; WO Windhoek Observer, Windhoek.



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