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focus

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ZIMBABWEAN NATIONALISTS HANGED

At least eleven executions are believed to have been carried out by the Smith regime since the beginning of July. Those known to have been hanged in Salisbury prison include two leading officials of the African National Council of Zimbabwe (ANC/Z), ROBERT BHEBE and PAINOS ZEHAMA. Strenuous but ultimately unsuccessful efforts had been made by international solidarity organisations to save the lives of the two men.

Robert Bhebe, a deputy provincial secretary of the ANC(Z) in Umtali at the time of his arrest and trial, had a long history of involvement in the nationalist cause. He spent several years in detention, including a period of 17 months in solitary confinement at the Buffalo Range prison camp in the early 1970's. He is believed to have suffered interrogation and torture.

At the end of 1974, Bhebe was released by the regime to take part in talks in Lusaka, along with other nationalists. He subsequently moved to Umtali with his family to start a pig and poultry co-operative scheme, having undertaken a Society of Friends agricultural training course. On 10 March 1977 he was sentenced to death by a Special Court in Umtali on conviction of recruiting or encouraging others to go for guerrilla training (see *FOCUS* 11 p. 9). According to the evidence before the court, Bhebe had directed four people from Inyazura to the ANC(Z) office in Bulawayo, from where they would be sent on to Botswana. His appeal was

dismissed by the Chief Justice, Mr. Hector Macdonald, in June. (RH 18.6.77). A petition for clemency to the regime's President, Mr. John Wrathall, was also turned down.

Subsequent attempts to save Robert Bhebe's life included a request from Mr. Shridath Ramphal, the Commonwealth Secretary-General, to the International Committee of the Red Cross to "use its good offices" to prevent "the clandestine execution of Zimbabwean nationalists by the illegal regime". (GN 16.7.77) A joint delegation to the British government from IDAF, British Anti-Apartheid Movement, Amnesty International and the United Nations Association was received by the Under Secretary of State for Foreign and Commonwealth Affairs on 28 July (MS 29.7.77)

On Wednesday morning, 13 July, however, relatives of Robert Bhebe were informed when they arrived at Salisbury prison to visit him that he had already been hanged. The execution was confirmed on 15 July by the regime's Secretary for the Ministry of Justice, Mr. M.F. Garnett. (RH 16.7.77) (With the exception of the hanging of eight supporters of Bishop Muzorewa in January 1977, when a public announcement was made, this is the first time that the regime has officially confirmed an execution since April 1975).

It is believed that two other Africans were hanged together with Robert Bhebe, although the regime refused to confirm this. (S.Tel. 17.7.77; S.T. (Lon) 17.7.77)

Painos Zehama, who was executed a month after Bhebe, was the central provincial organising secretary of the ANC(Z) and a full-time employee at the ANC(Z) office in Highfield, Salisbury. He was sentenced to death by the High Court in Salisbury on 26 April 1977, on conviction of recruiting for guerrilla training. (*FOCUS* 10 p. 5; RH 8.7.77). His appeal was dismissed in July by Chief Justice Macdonald, and as in Bhebe's case, an unsuccessful petition for mercy was addressed to the Rhodesian President (RH 8.7.77). On 12 August 1977, the London office of ZAPU received news by

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POLITICAL TRIALS

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telephone from Salisbury that Zehama and seven other Africans had been hanged the previous day. (MS 13.8.77) As far as is known there has been no official confirmation by the regime.

The regime's usual practice of conducting executions in secret has in fact been brought into question by the Chief Justice, Mr. Hector Macdonald, who has suggested that it may even have been counterproductive. Dismissing on appeal by Isaac Mabika (28) against a death sentence imposed for possessing

arms of war (see FOCUS 11 p. 9), he said that to reduce the sentence to life imprisonment as suggested by Mabika's counsel would "only give credence to the impression current among sections of the population that the authorities do not carry out death sentences". He undertook to draw the attention of the Minister of Law and Order to the need for hangings to be more widely publicised (RH 19.7.77).

Since 21 April 1975, the date on which the Smith regime ceased issuing

formal announcements of hangings, 96 people are known to have been sentenced to death on charges under the Law and Order (Maintenance) Act. A further 8 people were sentenced to death in the weeks immediately preceding 21 April 1975 but no report of their execution had appeared by that date. Of this total of 104 people, only 6 are known to have been successful on appeal in having their sentences commuted to life imprisonment or less. Since the last edition of FOCUS, LUCAS TLOU is known to have been sentenced to death by a Special Court in Bulawayo on recruiting charges. During the nine day trial, the court was told that more than 20 workers had disappeared during the month of April from Gem Farm, Beitbridge, where Tlou was second foreman. Witnesses said they believed the workers had gone to Botswana, after the accused had spoken at workers' meetings. (Bulawayo Chronicle 5.7.77, reproduced in Zimbabwe Peoples Voice 30.7.77) Appeals have been dismissed in the cases of ISAAC MABIKA, JAMESON KASILI, RABSON MUSHONJA and TALPHANOS MOYO, while KUNEMOTO MAFURERE, an 18-year-old youth, had his sentence commuted to life imprisonment (see FOCUS 11 p. 9).

(Note: Since the last edition of FOCUS, the unnamed youth reported as having been sentenced to death with Rabson Mushonja in April has been identified as Kunemoto Mafurere, while Rabson Mushonja and GILBERT MUSHOGO have been identified as one and the same. These overlaps explain the discrepancy between the overall totals of death sentences as given above and in FOCUS 11).

SPECIAL COURTS

Virtually no press reports of trials before Special Courts have been received since the end of May 1977. The case of Lucas Tlou, who was sentenced to death by a Special Court in Bulawayo (see above), is an exception. The reasons for the break in reporting are unclear.

OTHER CONVICTIONS

9 June: Bulawayo Magistrates Court

An unnamed 18-year-old African girl was sentenced to 4 years imprisonment (2½ years suspended) for attempting to go for guerilla training. She had allegedly tried to cross into Botswana with four others. (Bulawayo Chronicle 10.6.77, reproduced in Zimbabwe People's Voice 16.7.77)



Robert Bhebe

15 June: Marandellas Magistrates Court

Three members of the central branch of the ANC (Zimbabwe) youth wing in Salisbury, aged 15 and 16, were each sentenced to 8 cuts and 3-year suspended prison terms, for conspiring to leave the country for guerilla training. The three had discussed the possibility of going to Botswana, but had not in fact left their homes.

In a second trial before the same court, three youths aged 14 and 16 and convicted of attempting to leave the country for guerilla training in Mozambique, were remanded until 27 June for sentence. (RH 17.6.77)

On 14 June, 3 and 4 year prison terms imposed on four 15 year old youths for attempting to leave Rhodesia for training were commuted by the Appellate Division to whippings and suspended prison terms. At least one of the youths had been sentenced by a magistrates court. Chief Justice Macdonald, presiding, reiterated the view that in the absence of alternative places of detention, children under the age of 16 should not be sent to prison. He dismissed appeals by two other youths, aged 16 and 17, against 4 and 5 year prison terms imposed for the same offence. (RH 15.6.77; see Focus 11 p. 11).

According to the regime's Director of Social Affairs, Mr. Owen Harbottle, there are no "suitable" detention centres for children under 16 convicted under the Law and Order (Maintenance) Act. While probation hostels existed for children convicted of shop-lifting, petty theft and suchlike, he said, "We cannot put youngsters like this together with those who have attempted to go for terrorist training. They are, after all, potential killers." (RH 20.6.77)

21 June: Bulawayo Regional Court

14 African men were sentenced to a total of 117 years' imprisonment for attempting to undergo guerilla training. All of them had been arrested in the Plumtree area, adjoining the Botswana border. Three 17 year old youths were each sentenced to 5 years (2½ suspended), and an 18 year old to 7 years. One of these four was initially identified as KNIGHT KUSA MKWEBU, aged 20. The other sentences were: MPIOLO COSMAS NCUBE (21) — 10 years; CARMEN NCUBE (24) — 10 years; CLEMENT NHLIZIYO (20) — 10 years; BOOKER WASHINGTON CHOKOWAMBA (19) — 8 years; DAVID MASILELA (21) — 9 years; LOVEMORE GUMBO (20) — 10 years; GIDEON NCUBE (23) — 10 years; GIDEON NTULI (24) — 10 years; MAJOR BANGARA (19) — 9 years; JUAWO JONES NDHLOVU (20) — 9 years. (RH 21/22.6.77)

1 July: High Court, Salisbury

An unnamed youth, whose age was initially put at 16 but later fixed at 18 by the court, was sentenced to 25 years imprisonment for possessing arms of war. He had been wounded and captured in an engagement with security forces in Matsai TTL, Bikita, in December 1976, having entered the country from Mozambique. In the course of giving his evidence the youth unsuccessfully challenged a statement he had previously made to the police on the grounds that it had not been made freely and voluntarily. He told the court that following his arrest, Detective Constable Ernest Tekere had threatened to take him to a rifle range, shoot him and burn his body. (RH 1/2.7.77)

7 July: High Court, Bulawayo

JOSEPH BOLA DUBE (27) was sentenced to life imprisonment on conviction of murder with actual intent, robbery in connection with break-ins at commercial premises in the Wankie area, and failure to report guerillas. Passing

sentence, the judge ruled that Dube had willingly and voluntarily associated himself with a group of guerillas who had killed a white farmer near Wankie. (RH 8.7.77)

8 July: Wankie Magistrates Court

Father MAXIMUS GUMBO (34), the Roman Catholic Priest-in-Charge of Kariyangwe Mission in the Binga District, was given a 3-year suspended prison term on conviction of failing to report guerillas. An African witness told the court that he had stopped Father Gumbo's car and asked for a lift, as he wanted to report the presence of guerillas. Father Gumbo had refused the lift and driven away. (RH 15.6.77; 7/9.7.77; FOCUS 11 p. 11)

18 July: Regional Magistrates Court (unidentified)

GIDEON NCUBE (22) was sentenced to 6 years imprisonment for attempting to leave the country for guerilla training. He had been arrested on a bus at Mangwe on 1 April. (Bulawayo Chronicle, 19.7.77, reproduced in Zimbabwe People's Voice 30.7.77)

27 July: Bulawayo Regional Magistrates Court

RAPHAEL MASUKU (23) was sentenced to 10 years imprisonment (5 conditionally suspended) for failing to report the presence of guerillas. He had allegedly escaped from a guerilla camp in the bush outside Chinotimba Township, Victoria Falls, in November 1976. He had been arrested in Bulawayo in January 1977. (Bulawayo Chronicle 28.7.77, reproduced in Zimbabwe People's Voice 13.8.77)

28 July: Shabani Magistrates Court

TARUTORA MAPIRAVANA (45) appointed by the regime in 1975 as chief of 15,000 people in the Mapiwabano area of Belingwe TTL, was sentenced to 6 years imprisonment on conviction of seven charges of failing to report guerillas. He had allegedly called a meeting in December 1976 at the request of a guerilla group, concealed their presence from the authorities and provided them with food. (Bulawayo Chronicle 29.7.77, reproduced in Zimbabwe People's Voice 13.8.77)

3 August: Bulawayo Magistrates Court

MLOYISWA SIKWAZO SIBANDA and STEPHEN MANYANYATA MPOPU, from the Nkosikazi TTL, Inyati, were each gaoled for 3 years for failing to report the presence of guerillas in their area. A woman, OLITHA MPOFU, was given a 2 year conditionally suspended prison sentence for the same offence. (RH 4.8.77)

APPEALS

Passing of sentence on two Roman Catholic priests was conditionally postponed for 3 years by the Appellate Division of the High Court in Salisbury in July. Fathers IGNATIUS MHONDA and PATRICK MUTUME had each been sentenced to 5 years imprisonment (4 years suspended) by Umtali Magistrates Court in February 1977, for failing to report guerillas. They had been granted bail pending their appeal (FOCUS 9 p. 4). Chief Justice Macdonald, presiding, said that the date of the priests' original trial — 2 days before the Appellate Division had given judgement in the case of the former Bishop of Umtali, Donal Lamont — had materially affected the outcome. Had it taken place a few days later there might well have been no prosecution at all. (RH 5.7.77.)

On 7 July, the Appellate Division upheld a ruling by a special court in Bulawayo that it had jurisdiction to try a man abducted in Botswana. BURUNYEWU NDHLOVU had been born in Rhodesia but had lived in Botswana for several years. In December 1976 he was kidnapped by Rhodesian security forces

and subsequently brought to trial on charges of possessing arms of war. (See FOCUS 10 p. 7) The Appeal Court confirmed that Ndhlovu was both a Rhodesian national and, in terms of the Law and Order (Maintenance) Act, could be presumed to be resident in Rhodesia. (RH/RDM 8.7.77; and see FOCUS 11 p. 11 for relevant new Emergency Regulations).

Three weeks earlier, Amon Nyathi, described as a deserter from the regime's Selous Scouts, had been sentenced to 4 years imprisonment by a Magistrates' Court in Gaborone, Botswana. Nyathi had pleaded guilty to four counts of abducting Botswana residents and citizens into Rhodesia. He told the court that he had been forced to assist three other men, two of whom were Europeans, to kidnap 16 year old Disang Modiakgotla from Moroka village, Botswana, in 1976. He had also helped in the abduction of Abel Mophane, Jotha Bango, and Burunyewu Ndhlovu (see above). Modiakgotla, Maphane and Bango had subsequently been released when the Salisbury Appeal Court ruled that it had no jurisdiction over Botswana citizens (see Focus 10 p. 7). Nyathi said he had later deserted from the Selous Scouts while on leave and crossed into Botswana. (RH 18.6.77)

FURTHER CASES

23 June: Harari Magistrates Court

Three former executive members of the Zimbabwe Reformed African National Congress (ZRANC), Rev. THOMPSON TIRIVAVI, WILLIAM MASANHU and DENNIS CHITSAKA, appeared on unspecified allegations of contravening the Law and Order (Maintenance) Act. No charges were put and the three men were remanded to 7 July. (No further report). The ZRANC disbanded in May 1977 to join the People's Movement, an organization of supporters of ZANU led by Robert Mugabe. (RH 24.6.77)

STOP PRESS

It was reported in London on 4 September that four leading officials of the Roman Catholic Commission for Justice and Peace in Salisbury had been arrested by the Rhodesian police and were due to be charged under the Law and Order (Maintenance) Act and the Official Secrets Act. The officials are the chairman of the CCJP, John Deary, the organising secretary, Brother Arthur Dupuis, the press secretary, Sister Janice McLaughlin, and an executive member, Father Dieter Scholz. (In August Father Scholz was ordered to leave the country by mid-September.) Sister Janice was being held, following her arrest, in Chikurubi women's prison outside Salisbury, while the three men were released on bail.

The arrests coincide with the publication by the CCJP of a further report alleging the use of torture and atrocities by the Rhodesian security forces. The report, "Rhodesia: the propaganda war", claims that the army and police are "hated and feared by the people", and that reports of torture by troops "continue to be the rule rather than the exception". (Obs 4.9.77)

POLICE CRACKDOWN

Police harassment of the internal organisation of the Zimbabwean Patriotic Front, led by Joshua Nkomo and Robert Mugabe, increased sharply in the weeks leading up to the general election called by the Smith regime for 31 August. Starting at the end of June, large numbers of officials and members of the African National Council of Zimbabwe were arrested and detained by the Police Special Branch in a countrywide operation. More than 200 people may have been taken and it is possible that arrests are still continuing. Ian Smith himself, in a news conference on 6 July, has warned that "the Patriotic Front is public enemy number one" (*BBC 8.7.77*) while there have been repeated calls in the Rhodesian Parliament and elsewhere for the banning of organisations which actively support the guerilla struggle.

Arrests began on 30 June when ANC(Z) offices in Bulawayo, Que Que, Gwelo, Umtali, Sinoia and the Victoria province were raided by the Special Branch and documents seized. According to Mr. Josiah Chinamano, ANC(Z) vice-president and Joshua Nkomo's deputy inside Zimbabwe, nearly 100 people were arrested in a 24 hour period. The central province around Salisbury, where a single official was arrested, was the only one left intact by the raids, he said. Elsewhere, the "top leadership in the national executive, the national assembly and the provincial and district offices" had been "wiped out". (*RDM 1.7.77*)

A spokesman for the Ministry of Law and Order said that the arrests were part of "ordinary police duties in dealing with people assisting terrorism", but was unable to give any figures. (*GN/FT 1.7.77*)

On 2 July, the ANC(Z) confirmed that

further arrests had been made since the first wave. The list of those detained was still being compiled, but it already included more than 150 names. Mr. Ariston Chambate, acting secretary general of the ANC(Z), reported that the organisation's offices in Bulawayo, Umtali, Gwelo and Que Que were now locked and that the keys were in the hands of the police. "All the indications are that the Government is trying everything possible to bring the ANC (Zimbabwe) to a complete halt", he said (*RH 3.7.77*).

On 19 August, the Salisbury police confirmed that they had confiscated a number of vehicles belonging to the ANC(Z). Under Section 9 of the Emergency Powers (Maintenance of Law and Order) Regulations 1977, a protecting authority may order the seizure of property if it is felt this may be used "either directly or indirectly, for the benefit or in the interests of terrorists". (*BBC 23.8.77; T 20.8.77*)

Ian Smith has described the arrests as "a straightforward security exercise". "Basically we are picking up people now who it is known are associated with terrorist incursions, and with recruiting. This has always been our policy" he told a news conference. (*BBC 8.7.77*). There would now seem to be a very real danger of capital charges being brought against the detainees under the Law and Order (Maintenance). Two ANC(Z) officials have been executed over the same period on recruiting charges. (see under *POLITICAL TRIALS*)

The names of 98 of those arrested were released by ZAPU officials to a press conference in Lusaka in July. The list, including people in

"key party positions in provinces and districts", is as follows:-

Mrs. Harare, Mrs. T.V. Lesabe (executive member and member of ANC(Z) delegation to Geneva), Mr. G. Sibanda, Mr. D. Ngwenyama, Mr. Msongelwa, Mr. Tafi Moyo, Mr. Christopher Mkhwananzi, Mr. Enos Mdlongwa, Mr. Abel Siwela, Mr. Bubble Mano, Mrs. N. Moyo, Mr. R. Nyathi, Mr. J. Dube, Mr. A. Keino, Mr. Samuel Nalimushu, Mr. Mzaca Nkomo, Mr. Dumisani Mano, Mr. Joshua Maolela, Mr. Jackson Mucheregwa, Mr. Simon Makumbi-rofa, Mr. Dauti Mabusa, Mr. William Sabuku, Mr. Bigson Msika, Mr. Gilbert Khumalo, Mr. Todd Khumalo, Mr. Joshua Masilela, Mrs. Fuse, Mrs. G. Sibanda, Mr. B. Mguni, Mr. Richard Ndlovu, Mr. Public Nkomo, Mr. William Mpotshi Sivako, Mr. Like Dube, Mr. John July Dube, Mr. Daniel Ndlovu, Mrs. Gumbo, Mr. Enos Mdlongwa, Mr. J. Moyo, Mr. S. Ncube, Mr. L. Ndlela, Mr. Jackson Mathelegwa, Mr. Taught Khumalo, Mr. Z. Biliwa, Mr. Robert Banga, Mr. Stone Nkomazana, Mr. E.T. Dube, Mr. Todd Msongelwa, Dumisani Sand Moyo, Mr. Clas Ncube, Mr. Prince Gumedede, Mr. A. Ndabambi, Mr. L. Shumba, Mrs. A. Maswi, Mr. Langton Nzuma, Mrs. Docas Mbombo, Mr. Redfant Karanga, Mr. Msindo Nyoni, Mrs. Tamangani, Mrs. Docas Majonga, Mr. Casian Muringi, Mr. Julius Mhishi, Mr. D. Mangwende, Mr. E. Dlamini, Mr. S. Dube, Mr. R. Nyandoro, Mr. Isaac Matikiti, Mr. John Chivango, Mrs. Samuel Nzungu, Mr. John Msipa, Mr. Gordon Bhunu, Mr. Gutu, Mrs. Makwavarara, Mr. Fred Magada, Mr. John Ngwenya, Mrs. Mahumana, Mr. Mavukile Nkomo, Mr. A.A. Munyama, Mr. Mathen Masiyakurima, Harrison Marange, Mr. Mamvupo, Mr. Patrick Mukwekwezere, Mr. D. Maphosa, Mr. E.M. Choga, Mr. Pambana, Mr. Bothwell Mazendami, Mr. E. Khumalo, Mr. E. Hananda, Miss Ng. Moyo, Mr. T. Nziramasanga, Mr. Billy Whacha, Mr. T.D. Moyo, Mr. Nyashanu, Mr. T. Hlomani Moyo, Mr. A.Z. Whingwiri, Gedeon Mbano, Mr. Fibeon Hlomela, Mr. Gilbert Khumalo. (*Zimbabwe People's Voice 16.7.77*)

In August two further executive members of the ANC(Z), Mr. Ncube and Mr. William Dlamini, (secretary for the central province) were reported to have been arrested. (*MS 13.8.77*)

HEALTH SERVICES AT RISK

Health services and standards in Zimbabwe, particularly for Africans, appear to be deteriorating rapidly as the guerilla war intensifies. While the regime, alive to the propaganda potential of the situation, has placed the blame for the spread of disease and declining health care on the guerillas themselves, it is clear that many health problems of a long-term nature, and distinct from the immediate casualties of the war, are the direct result of the policies and practices of the Rhodesian security forces.

Hard facts on health provision in the rural areas are not easy to come by. The official Monthly Digest of Statistics, for example, has not included figures of hospital admissions and out-patient attendances since 1976. (Up to the end of

1975, the figures showed a decline in African admissions to government hospitals from a peak of 343,700 in 1972 to 270,600 in 1975. African out-patient attendances at government hospitals declined from 4.5 million to 2.1 million over the same period) (*Monthly Digest of Statistics, August 1976*). Many government clinics, run by regime-appointed African councils in the TTLs, have been closed down for security reasons, but exact figures are not available. ("Racial Discrimination and Repression in Southern Rhodesia", *International Commission of Jurists 1976 pp. 60-1; Debates 23.6.77; see also FOCUS No. 9 p. 10 for report of withdrawal of medical services from the border areas.*)

Throughout the country as a whole

there is now a serious shortage of doctors, dentists and medical personnel. The rising white emigration rate has accounted for many losses; during 1976 a total of 71 doctors left the country, a net loss of 46. White, Asian and Coloured male doctors who remain, and who are under the age of 50, are liable for conscription for up to six months of the year. Some have certainly been killed while on military service. (*RH 19.2.77; SM 20.2.77*) Government-provided medical services, where salaries are about half the incomes that can be commanded by doctors in private practice, have been hit the hardest by these staff shortages. Increasing demand by the security forces for specialised medical care, not to mention white civilian war casualties, is also likely

to be reflected in a deteriorating service for the African majority.

At least $\frac{1}{2}$ million Africans in the rural areas are now living in protected and consolidated villages. Many accounts are available of the overcrowded and insanitary conditions prevailing "behind the wire". In a transit camp at Gutsa in the Zambezi valley at the end of 1973, for example, only three water taps were available for nearly 3,000 residents and two African orderlies for medical attention. Four to five people were reported to be dying each day from cholera or measles. (A.K.H. Weinrich: "Strategic Resettlement in Rhodesia", *Journal of Southern African Studies* April 1977 Vol. 3 No. 2). In the Chiweshe TTL, where the people were removed into protected villages in 1974, a 15 yard square patch was provided for each family to build a shelter, dig a pit latrine, and accommodate chickens and small livestock. The latrines soon overflowed, resulting in widespread typhoid and diarrhoea. Curfew regulations prevented residents from travelling to attend the nearest hospital outpatient department. (Weinrich *ibid*; see also FOCUS No. 3 p. 8).

While sanitary and immediate living conditions in some protected villages may have been improved since the first removals were undertaken, particularly in areas close to Salisbury and accessible to journalists and visitors (such as Chiweshe), there is now evidence that malnutrition is on the increase. According to a report by the World Vision evangelical organisation

in the US, following a visit by its president to Keep 13 in the Chiweshe TTL, the protected villages are witnessing an "alarming" increase in malnutrition, people are dying of starvation, and children are dying of enteritis "in large numbers". The findings have been substantially confirmed by the Canadian superintendent of the Salvation Army's Howard Hospital at the southern tip of the Chiweshe TTL. A University of Rhodesia medical research team based in Chiweshe also "came across a tremendous amount of malnutrition". (SM 27.2.77, 6.3.77) Curfew regulations, and the long distance which the inmates of protected villages frequently have to walk to reach their fields, mean that far less time is spent on cultivation than in the past, while crops cannot be protected from wild animals. Crops and livestock are frequently destroyed or impounded by the security forces to prevent them being used by guerillas. The amount of land being worked is less and food is consequently in short supply. (SM *ibid*.)

Illness of a more sinister character has also been reported from the protected villages. According to a written report from a "reliable resident" of Mukumbura protected village in the Zambezi valley, at the end of 1974, people had begun to suffer from a strange sickness with the onset of the rains. "They start shaking and then they die. . . Children die almost daily and some adults have also died. . . On 27 November 1974 the doctor was here and he stated that the deaths were

caused by poisoning: the army had used defoliants in May to clear the no-go area of vegetation. By now the rains have washed the chemicals into the soil and plants have absorbed the poison." (Weinrich, *ibid*) A member of the Chicago Committee for African Liberation who visited Doiroi camp in Mozambique for Zimbabwean refugees, in February 1977, reported an ailment known as the "hurricane". Those affected walked with an erratic shaking gait; later they fell down paralyzed and moaning. There was speculation in the camp that it was the result of contamination from herbicides used by the security forces. Other refugees were affected by forms of paralysis and nervous spasms, seemingly resulting from experience of extreme fear. ("Southern Africa", *Journal of the US Southern Africa Committee*, June/July 1977 Vol. X No. 5).

It is to be expected that many serious health problems will result from a war situation. Much of the regime's response seems to have consisted of capitalising on the propaganda value of the claim that the liberation movement is directly responsible for the spread of disease. Leaflets have been distributed in the TTLs, for example, warning residents that "the mad dog communist terrorists of ZANU/ZANLA" have infected many women with venereal disease. (RH 23.6.77; RDM 24.6.77) After such an allegation had been made, few of those affected would presumably risk attending a government-run clinic for treatment.

DEFENCE BUDGET SOARS

Estimates of expenditure for the financial year to 30 June 1978, tabled in the Rhodesian House of Assembly on 30 June, reveal that the Smith regime is now spending well over £ $\frac{1}{2}$ million a day on fighting the guerilla war. Introducing the budget for the year, the Minister of Finance, Mr. David Smith, warned that "there must be no extravagances, no waste and no disregard of the sacrifices that have been necessary in every home in the country to make available the means for effective security". (Debates 14.7.77) Expenditure estimates directly relating to security are as follows:

- **Defence** — R\$141.8 million, an increase of 44% over the previous year. (The amount allocated during 1976–7, including supplementary estimates tabled in the House of Assembly in February 1977, was R\$98.7 million). The Defence Vote breaks down into Army: R\$107.8 million; Air Force: R\$28.6 million; Guard Force: R\$5.2 million. The Air Force expenditure includes R\$3.7 million for security airfields.

- **British South Africa Police**: R\$55.6 million (up 14% from R\$48.9 million during 1976–7).

- **Ministry of Internal Affairs**: The Minister of Finance told the House of Assembly on 14 July that this vote had decreased because heavy

capital expenditure on protected villages during 1976–7 is not to be repeated. (Exact amount allocated to security measures not available).

- **Treasury**: R\$16 million of the Treasury vote has been allocated to a national scheme for making-up the pay for men on call-ups (compared to R\$5.1 million during 1976–7). The scheme was introduced by the Ministry of Finance in December 1976.

- **Ministry of Roads**: includes R\$7.5 million vote for special road and bridge works in the operational areas (R\$6.7 million in 1976–7).

- **Defence Procurement Fund**: R\$27.49 million (R\$4.37 million in 1976–7)

- **Combined Operations Headquarters** (established early 1977): R\$202,000 (includes the salaries of the Minister and Commander of Combined Operations).

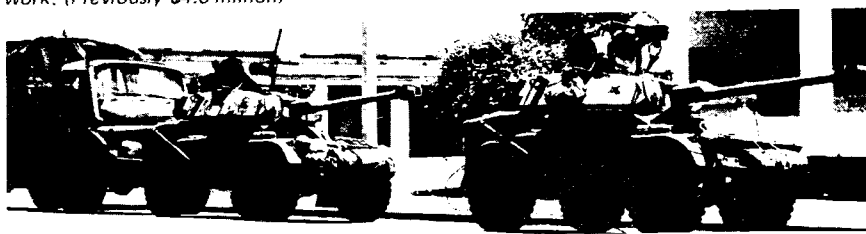
- **Ministry of Works**: \$5.1 million for defence work. (Previously \$4.6 million)

- **Prime Minister's Office**: vote includes R\$4.3 million for "special services", believed to cover items such as the Selous Scouts and Police Special Branch II

- **Compensation for "victims of terrorism"**: R\$5 million

These sums together amount to at least R\$ 263 million, representing around 32% of total estimated expenditure of R\$816.8 million (made up of budget account — R\$712.5 million; financing account — R\$104.3 million). This overall expenditure represents an increase of only 11% over 1976–7, and in many ministries and departments unconnected with defence and security, projected spending has been severely curtailed. (RH/FT 1.7.77; Debates 14.7.77)

In theory, the 1977–8 budget falls away with the dissolution of the Rhodesian Parliament prior to the general election. Unless major political realignments occur, however, the expenditure proposals are unlikely to be altered. (RH 20.7.77)



Rhodesian Panhard armoured cars, with 90 mm main guns, accompany convoys

LICENSE TO KILL

White Rhodesian farmers have been given a virtual carte blanche by the regime to murder intruders or others whom they suspect of attacking farm property or stealing livestock. The Minister of Law and Order, Hilary Squires, told farmers at the annual congress of the Rhodesian National Farmers Union (RNFU) in July that they or their employees would not face prosecution if they killed anyone in the course of protecting themselves or their property. Similar assurances appear to have been given by the regime's premier, Ian Smith, in a confidential briefing to the congress on the political and security situation. Under the Indemnity and Compensation Act, which became law in October 1975 and is retrospective to 1 December 1972, members of the security forces and other employees of the regime are protected from legal proceedings being taken against them as a result of acts committed "in good faith for the purpose of or in connection with the suppression of terrorism or the maintenance of public order." (See *FOCUS* No. 1 p. 7., No. 2 p. 10.) This kind of protection is now to be extended to white private citizens i.e. farmers, under provisions of the Emergency Powers Act. (T/Tel 28.7.77)

Many white farmers, disturbed at the deteriorating security situation and impatient with what they see as the regime's "no-win" approach to the guerilla

war, have begun to hire foreign mercenaries, often ex-servicemen, to serve as strongarm men and home guards on their estates. (This is in addition to the "Bright Lights" of the Police Reserve, who undertake guard duty on many farms in the operational areas.) D.C. "Boss" Lilford, vice-president of the Rhodesian Front, one of the richest men in the country and a close friend and confidant of Ian Smith, is one such employer. Two British mercenaries, one a former member of the Coldstream Guards, have been employed as vigilantes on his 100,000 acre farm, Sanuka, north of Chiredzi, since June 1977. According to Lilford, both men fought in the Lebanese civil war at the height of the street fighting, and came to Rhodesia from South Africa. They were now receiving board and lodging in addition to their salaries, plus a bonus of R\$500-\$1000 "to make them keen". "As far as I am concerned", Lilford said, "they are mercenaries. They don't speak the native language, but they know how to shoot." He revealed that there was a 'stick' of about six such private guards in the area, while farmers in Chiredzi, Nuanetsi, Gona-Re-Zhou and Gonakudzingwe were considering getting more of them. The guards kept in touch with each other by radio and worked together in the event of a cattle theft. (RH 9.7.77; Tel 20.7.77)

Farmers who employ such private

vigilantes will from now on be helped to obtain weapons. Law and Order Minister, Hilary Squires told the RNFU congress that there would be no problem if guards joined the Police Reserve, but even if they did not, the problem of equipping them was one on which his Ministry was working. The vigilantes would gain the same legal protection from murder charges as their employers, he said. (RH 28.7.77)

Stock thefts from white farms have increased dramatically over the past two years, so much so that some farmers are even considering painting their cattle with luminous paint so that they can be more easily spotted from the air by security force patrols. (Tel 28.7.77) Others in the west of the country are known to have been violating the Botswana border in pursuit of rustlers suspected of stealing their stock. (RH 28.7.77) The situation is in part a consequence of the distorted division of the country into European and African areas under the Land Tenure Act. Huge areas of "white" farming land have always lain unused, while in more recent months many white farms have been abandoned in the face of guerilla attacks. These empty areas are now posing an acute security problem for the regime. (RH 9.7.77)

PROTECTED VILLAGES

The Smith regime now admits that at least 250,000 people have been removed into protected villages. The Minister of Internal Affairs, Mr. Musset, told the Association of Rhodesian Industries Congress in June that 145 protected villages had already been constructed, with a further 32 due to be completed in 1977. In addition, 40 consolidated villages had been established. In line with the official view that protected villages constitute potential economic growth points, he revealed that plans were being made to develop "one of the earliest protected villages into a town". (BBC 14.6.77)

In a report published at the beginning of September, the Catholic Commission for Justice and Peace stated that there were now 203 protected villages and that an estimated 580,000 people had been compulsorily removed from their homes. Most of the protected villages are in the north-east and south, but others are being established in the north-west (*Obs* 4.9.77; see *STOP PRESS*). According to the International Committee of the Red Cross, at least 400,000 people were living in protected and consolidated villages by February 1977. (*FOCUS* No. 8, p. 7.)

A spokesman for the regime's security forces confirmed in April 1977 that protected villages had been set up in three out of four operational areas — Hurricane in the north-east, Thrasher in the east and Repulse in the south. 17,500 residents of the Honde Valley, north of Umtali, reputedly a major route for guerillas entering the country from Mozambique, were removed into 7 protected villages at this time.

(RH/GN 7.4.77) It was reported in June that 40 protected villages had been completed in Mashonaland Central province, 34 of which had been built between August and November 1976. The bulk of the 115,000 African population of the Kandeya and Chiswite TTLs, plus the Karuyana Purchase Area, north of Mount Darwin, were now behind the wire. (*SM* 19.6.77) In the Lowveld area around Chiredzi, removals began in September 1976. 15 protected villages had been built in the Sangwe and Sengwe TTLs by June 1977. (RH 23.6.77)

Reports that guerilla activity has nevertheless forced the regime to suspend its programme for the construction of protected villages in certain areas (*GN* 21.4.77) may explain an item in the Minister of Finance's 1977 budget statement. Mr. David Smith told the Rhodesian House of Assembly on 14 July that the amount allocated to the Ministry of Internal Affairs was down on the previous year as heavy capital expenditure on protected villages was not due to be repeated. (*Debates* 14.7.77. See under *DEFENCE BUDGET SOARS*) The protected villages have been constantly attacked by guerilla groups in what is essentially part of a wide-ranging battle for administrative control of the operational areas. It is evident that in some parts of Zimbabwe, the regime is now unable to determine the course of events in matters such as education, tax collection and stock control.

In a revealing radio broadcast on the establishment of protected villages in the Honde Valley (see above), Mr. Hamish Peters, a District

Commissioner, admitted that "up until earlier this year the situation was that the Honde Valley was to a very large extent overrun by terrorists. The entire economy of the valley had virtually collapsed, and we had lost the ability to be able to administer or govern. The terrorist was in a situation where he was carrying out administration of his own type. He was running (? clinics) (*word indistinct*) of a various nature in the various kraals, all the schools had closed, and constantly members of the security forces were reacting instead of acting to the situation. . . . So we realised that in order to begin to govern again, not only did we have to have population control, but we had to largely utilize our resources to maximum advantage. So . . . starting in March we started to move the people forcibly into the protected villages." (BBC 3.8.77)

In the Mount Darwin area, the first of eight specially trained "flying squads" — District Assistants from the Ministry of Internal Affairs who can be called upon at any time to go to any part of the country to help restore order after guerilla attacks — was officially passed out in June. In a speech to the 27-man unit, the Secretary of Internal Affairs, Mr. Don Yardley, pointed out that "the administration of the people in the tribal areas is what the war is all about. The terrorists want to achieve control of the tribespeople and we know that we must continue the administration at all costs." (*SM* 19.6.77)

MILITARY OCCUPATION CONTINUES

namibia

Changes of considerable military significance, which would appear to consolidate South Africa's illegal occupation of Namibia, have been taking place in the deployment of South African troops in the territory. A "Namibian army" is being built up on ethnic lines with the full support of the tribal delegations to the Turnhalle. It could presumably be portrayed as having a measure of independence from Pretoria. There have also been developments within the S.A. Defence Force itself.

With effect from 1 August 1977, the former SA Chief of Army Staff Operations, Major-General Jannie Geldenhuys (42) has been appointed to the post of Officer Commanding South West Africa. Major-General Geldenhuys, who took over responsibility for Namibia's defence from Brigadier Louw Oosthuizen, previously served in Namibia from 1970-74, the latter part with the rank of Brigadier and Commander of the Windhoek Defence Command.

Apart from commanding the SWA Defence Headquarters, General Geldenhuys has been given responsibility for building up a multiracial South West African Army. Announcing his appointment, Mr. P.W. Botha, the SA Minister of Defence, said that it was "in accordance with the policy to build and develop an independent and complete defence force for South West Africa". The SA Defence Force, he went on, "was concentrating at present on the organisation, preparation and training of all the elements of the SWA population so that all would have the right to share fully in the defence of SWA in the future". (WA 1.8.77)

Major-General Geldenhuys's arrival in Namibia has precipitated a major reorganisation of the command structure. Since 15 August, military authority for the whole of Namibia has been centralised in the Eros Defence Headquarters in Windhoek. The separate commands which previously existed at the Grootfontein military base and at Walvis Bay have been subordinated to the Windhoek HQ. Major-General Geldenhuys told a news conference that Walvis Bay would remain under his command "until a new constitutional rearrangement for that enclave had been effected". (Under the terms of the SWA Constitution Amendment Bill, which passed through the SA Parliament in June, the port of Walvis Bay has been re-

turned to full South African control from 1 September 1977 (T 2.9.77). He was reticent when asked to comment on SWAPO's demand for the withdrawal of all South African troops from Namibia prior to general elections being held. (WA 16.8.77).

In a highly critical editorial, the *Windhoek Advertiser* remarked that "from all this reshuffling and policy changes, one thing stands as clear as daylight: there is no imminent troop withdrawal from this territory. On the contrary, noticing last night the new humming of activity and the sort of officer around the General (sic) one realises that Pretoria aims to build its military capabilities in South West Africa to the optimum". (WA 16.8.77).

Meanwhile, active steps have been taken to mobilise members of the Damara, Nama, Herero and Coloured "population groups" for defence purposes. (See FOCUS 3 p. 12, 8 p. 14 for previous reports of recruiting and training of Ovambos, Kavangos and Rehoboth Basters). 65 Nama recruits began a two-year training course in Narubis at the beginning of August. According to Commandant J. T. Louw, who is in charge of military training for ethnic groups, Namas could be deployed in the operational area after 12 months. (WA 22.7.77, 2.8.77). A similar two year training course for Damaras was due to open on 15 August at Kamanjab (WA 4.8.77). Military training for Coloureds was due to begin on 29 August at an unidentified base. Mr. A. J. F. Kloppers, leader of the Coloured delegation to the

Turnhalle, told reporters that approximately 200 men had been recruited. (WA 17.8.77). It is expected that similar arrangements will soon be made for Herero recruits. (BBC 21.7.77; WA 20.7.77).

According to Commander Louw, the SA Defence Force will train an initial intake of up to 160 men from each ethnic group. The trainees will be paid R70 a month, in addition to free food and accommodation. During the training period, he said, leaders would be identified who could eventually start training their own people. (WA 22.7.77, 17.8.77). The ethnic troops will not be controlled by their respective homeland authorities, however, but will fall under Major-General Geldenhuys's command in Windhoek. (WA 16.8.77).

VORSTER VISITS TROOPS

SA Defence Headquarters in Pretoria announced on 18 August that Mr. Vorster had made a three-day inspection tour of SA military posts in the Caprivi Strip during the preceding fortnight. The SA Prime Minister was accompanied by the Minister of Defence, Mr. P.W. Botha, the Chief of the Defence Force, General Magnus Malan, the Chief of the Army, Lieutenant-General C.L. Viljoen, and the Chief of the Air Force, Lieutenant-General R.H.D. Rodgers. On completion of his tour, Vorster commented that the visit — his first to this part of South Africa's operational area — had given him "first-hand practical and on-the-spot information about the enormous extent of the task facing the South African security forces". Besides their primary defence role, SA troops were also engaged on large-scale medical, social and educational work, he said. (WA/T 19.8.77)



South African military helicopter surveying a village in the Caprivi Strip.

POLITICAL TRIALS

PRISON TERMS FOR SWAPO MEMBERS

Sentence was finally passed on 15 July against RUBEN ITENGULA, MICHAEL SHIKONGO, LAZARUS GITEB and BENJAMIN UULENGA, four SWAPO members who first appeared before the Windhoek Supreme Court in February 1977. All were found guilty of charges under the Terrorism Act by Mr. Justice J. J. Strydom. SWAPO supporters dressed in the traditional colours of green, blue and red packed the public gallery of the Windhoek Supreme Court, and greeted the four men with black power salutes as they were brought up from the cells. A detachment of at least 15 armed police stood by. (see *Focus* 11 p. 13).

Justice Strydom, passing sentence, overruled a plea by the state prosecutor that the death penalty should be imposed on all four accused without exception. Ruben Itengula, found guilty of infiltrating into northern Namibia with a submachinegun and rocket launcher, and of canvassing support for SWAPO, was sentenced to 12 years imprisonment. He had been involved in battles with South African troops in which his companion and five other SWAPO members had been killed. Michael Shikongo, a farm worker in the Otjiwarongo district of Ovamboland and described as an active SWAPO supporter, was found guilty of assisting Itengula and his guerilla companion by providing food and acting as a messenger to Lazarus Giteb. Shikongo was sentenced to 5 years imprisonment. Lazarus Carl Giteb (35), the secretary of the Otjiwarongo SWAPO branch and an active organiser, who also told the court that he was related to Shikongo and a good friend of his, was sentenced to 8 years imprisonment for assisting guerillas. The court was told that he had led a South African patrol into an ambush, in which the fire by guerillas had been "so severe. . . that it cut the grass as if a lawnmower was used". (WA 18.7.77). Benjamin Chrispus Uulenga, who had been tried separately and found guilty on 10 May, but appeared with the other three for sentence, was sentenced to 15 years imprisonment. He was convicted of entering Namibia armed with an AK-47 and two rocket launchers, after training in the Soviet Union, and of conspiring to overthrow the existing order. (WA *ibid*)

Sentencing the men, Justice Strydom said that the Supreme Court did not foresee that SWAPO would ever succeed "with its methods", and therefore a protracted prison term "could sway the

convicted men to a new approach". SWAPO, he said, was tolerated by the authorities and was not an illegal organisation. As a result "it required circumspection from him to sentence the convicted men". (WA 18.7.77)

Much of the final stage of the trial of Itengula, Shikongo and Giteb, which resumed on 4 July after a break of more than a month, was taken up by cross-examination of Lazarus Giteb on SWAPO's aims and methods, and his own involvement in the armed liberation struggle. He told the court that he had been a SWAPO member since 1966, and had become chairman and secretary of the Otjiwarongo branch in 1973. SWAPO, he said, was a political organisation which opposed discrimination and believed that a change could be brought about through talks and discussions and negotiations. "The present order must go", he told the court, "and in the new order there must be equal rights for all. That is what I want!" (WA 6.7.77)

The state's case rested heavily on SWAPO's alleged commitment to violence and its intention to create "chaos" in Namibia through armed struggle. Mr. P.A. Ferreira, described as an "expert" on SWAPO and presumably the same as Captain Petrus Albertus Ferreira, a state witness at the trial of Aaron Muchimba and Hendrik Shikongo in 1976, was one of those brought forward to testify to SWAPO's "Marxist" aims. (WA 26.5.77, 13.7.77; *Focus* 4 p. 4)

SUMMARY TRIAL FOR DETAINEE

VICTOR NKANDI, a prominent member of SWAPO, was brought before the Windhoek Magistrates Court on 15 July in connection with an allegation of murder. No evidence was led, and Mr. Nkandi was remanded until 27 September for a summary trial in the Windhoek Supreme Court (WA 18.7.77)

Victor Nkandi, described by the *Windhoek Advertiser* as "one of the five men sought by the Police for the assassination of Ovamboland's Chief Minister, Mr. Filemon Elifas" on 16 August 1975, has been in prison continuously since shortly after that date. He was arrested and detained along with many other SWAPO members and supporters in the weeks following Elifas's death, and in March 1976 was sentenced to one year's imprisonment for refusing

to testify against the accused in the trial of Aaron Muchimba, Hendrik Shikongo and others. Axel Johannes, SWAPO's Regional Secretary in Windhoek, was given a similar sentence. (WA 15.7.77; *FOCUS* 9 p. 15)

There is evidence that severe torture was used during the period August 1975 to March 1976 when both men were detained without charge or trial. A number of witnesses in the Muchimba-Shikongo trial gave evidence of police brutality. Victor Nkandi told the Swakopmund Supreme Court that he had been chained up, beaten until he lost consciousness, and had water thrown on his face for four days and nights to keep him awake. (See *FOCUS* 4 p. 4)

In February 1977, on completing their prison terms, both men were immediately rearrested and detained in Ovamboland. (*FOCUS* 9 *ibid*). It is feared that they may have been subjected to continued torture and ill-treatment since that time. It is believed that Axel Johannes may be brought forward as a state witness against Victor Nkandi in his forthcoming summary trial. Police sources in Ovamboland have stated that Victor Nkandi is to be implicated with being one of Chief Elifas's five co-assassins (WA 15.7.77)

FIVE YEARS FOR EVANGELIST

NABOTH IMENE, an evangelist in the Ovambo-Kavango Lutheran Church, was sentenced to 5 years imprisonment under the Terrorism Act on 18 July. Mr. Imene, a middle-aged married man who appeared before the Windhoek Supreme Court wearing a black robe with a white clerical collar, was found guilty of aiding and abetting guerillas in the Oniipa and Onyulaye areas of Ovamboland. The court heard that he had written a letter in October or November 1976 to certain clerics of the church requesting "necessities for the men of the bush — shoes, numbers 5, 6, 7, 8, 9; small radios; newspapers; Suidwesters etc; clothing, trousers, shirts and denim trousers; raincoats. Thank you and blessings". Mr. Imene had also failed to inform the South African Defence Force or Police of the guerillas' presence. He had been arrested approximately nine months before his trial, and held in custody ever since. (WA 17/19.8.77)

POLITICAL TRIALS

Political trials under the Terrorism Act are taking place in many parts of South Africa at present — with the serious possibility of the death penalty being imposed in major trials such as in the case of the twelve people on trial in Pretoria. Five men in the Pietermaritzburg trial received life sentences in July for allegedly recruiting people for military training. In spite of repeated allegations of torture by the accused and key State witnesses, the judge had no hesitation in finding the nine guilty. In the Springs and Pretoria trials the accused stand charged with smuggling arms and explosives into the country and of training people to use them.

It is against this background that the recent remarks by Minister of Justice Kruger need to be seen. Speaking at the Cape Nationalist Party congress, the Minister said that compulsory death sentences for people attempting to overthrow the government by force should be considered. He referred to people who possessed foreign weapons for use "on a war basis" against the established order. (*RDM 25/26.8.77*).

In July a representative of the International League for Human Rights, Mr. Martin Garbus, visited South Africa and attended some court hearings. In his report he wrote: "The trials, presided over by black-robed lawyers and red-robed English judges, who are addressed as your Lordship, are elegant facades covering one of the most vicious police states in the world." Referring to the Pretoria 12 trial he wrote of a different mood in the wider arena: "The spectators hang on to every word, and react to each answer. At lunch and at the end of each day's court session, the defendants, lifting their hands in black power salutes, shout 'amandla' (power). The audience answers 'ngawetu' (to us). It often becomes noisy to the point of provocation. . . . At the end of each court day the ANC prisoners are removed in a van that, as it drives through the street, is surrounded by hundreds of black spectators. Each day the blacks sing freedom songs and cheer the defendants." (*New York Review of Books 4.8.77*).

PIETERMARITZBURG TEN TRIAL CONCLUDES

Nine members of the African National Congress of South Africa were sentenced

to jail terms ranging from seven years to life under the Suppression of Communism and Terrorism Acts in the Pietermaritzburg Supreme Court on 25 July 1977, after a trial which began on 14 May 1976. (*see FOCUS Nos. 6-11*)

Five of the accused, **Themba Harry Gwala** (57), **John Vusimusi Nene** (33), **Mathews Mokholeka Meyiwa** (53), **Anton Ndoda Xaba** (43) and **Zakhele Elphas Mdlalose** (51) were sentenced to life imprisonment. The judge commented in relation to the life sentence: "They (the five) have shown themselves to be dedicated revolutionaries, and there appears to be little or no reformation in their cases." All 5 had served previous sentences on Robben Island for their political activities and beliefs.

Of the remaining four accused, **Joseph Ntuliswe Nduli** (37) was jailed for 18 years, **Vusimusi Truman Magubane** (33) and **Cleopas Melayibone Ndhlovu** (42) were each sentenced to 15 years' imprisonment and **Azaria Ndebele** (40) to 7 years. The tenth defendant, **William Fano Khanyile** (40), had earlier been acquitted on all charges.

After the sentence the nine men stood up in the dock, and gave the clenched fist "power" salute to the public gallery. Then they sang "Nkosi Sikele Afrika", and were joined in singing by spectators as they were rapidly ushered out of court into the waiting vans. They were not allowed time to say goodbye to their wives and families. As they were driven out of the Supreme Court grounds spectators returned "power" salutes to the nine men. (*RDM 26.7.77*)

The nine accused had been charged under the Terrorism Act for allegedly endangering law and order between November 1973 and March 1976 in Natal and Swaziland. The main charges related to the establishment of an 'escape route' for ANC recruits to leave the country; of recruiting 43 people for military training abroad and of communication with ANC exiles in Swaziland. Two of the accused were living in Swaziland at the time of their arrest from where they alleged they had been abducted by South African Security Police. (*FOCUS 5 p. 12*)

The accused themselves claimed they were furthering the aims of the South African Congress of Trade Unions (SACTU) and denied they were recruiting people for military training. SACTU is not a banned organisation in South Africa. Before sentence the men read statements to the court speaking of the suffering of Black people in South Africa and of their backgrounds in trade union work.

South africa

During the trial many extremely disquieting features, mainly to do with the activities of the Security Police, emerged. Allegations of torture were made again and again by accused and witnesses but the judge dismissed this evidence, except in the case of ANC organiser, **Joseph Mdluli** (who was detained in connection with the trial and died in detention on 19 March 1976). In this case the judge, Mr. Justice Howard, in a section of his 15-hour judgment, confirmed that the injuries that caused Mdluli's death in detention could not have been self-inflicted nor caused accidentally. The judge found that most, if not all, of the injuries on him were inflicted by one or more unidentified members of the Security Police. "We are satisfied that Mr. Mdluli sustained the injuries while he was in the custody of the Security Police. There is no evidence of how he suffered the injuries or in what circumstances. That is a matter peculiarly within the knowledge of the persons in whose custody he was at the time and none of them has given evidence", said the judge. (*RDM 26.7.77*) (*see FOCUS 8 p. 5, 9 p. 8*)

PRETORIA TWELVE

The trial of eleven men and one woman facing 79 separate charges under the Terrorism Act in the Pretoria Supreme Court is now in its third month with more State witnesses testifying to having been tortured by the police (*see FOCUS No. 11 pp. 1-2 for details of the indictment*).

The accused are: **Mosima Gabriel Sexwale** (24), **Naledi Tsiki** (21), **Lele Jacob Motaung** (23), **Simon Samuel Mohlanyeng** (23), **Elias Tieho Masinga** (24), **Martin Mafeto Ramokgadi** (67), **Joe Nzingo Gqabi** (48), **Petrus Mampogoane Nchabeleng** (50), **Nelson Letsaba Diale** (41), **Michael Mpandeni Ngubeni** (42), **Jacob Gaonakala Seattholo** (47), and **Paulina Mamagotla Mohale** (26). All the accused have pleaded not guilty to all the charges, alleged to have been committed between 1962 and 1977.

Widely described as the most important political trial since Rivonia in 1964 it has been dubbed the 'main machinery' trial: some of the accused are alleged to have been part of the central underground structure of the ANC in Johannesburg.

After five days of giving evidence **Ian Rwaxa**, the chief State witness, said he had been repeatedly assaulted by security policemen in detention before making a statement, and that he had given untrue evidence to the court. (*See FOCUS No. 11 p. 2*) He said he was beaten and kicked until he bled from his nose and mouth and an attempt was made to strangle him with a cloth. During this assault he lost

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consciousness twice and on recovery was threatened with death unless he co-operated. He was shown Mosima Sexwale, one of the accused, lying naked, bound and shivering in another cell, and was himself forced to sleep naked without blankets. He told the court of further assaults by the police, and of seeing another of the accused, Lele Motaung, who could not sit because of pain in his buttocks. (RDM 1.7.77)

Eventually he made a statement: "I wrote what the lieutenant told me to write", he told the court. After a full day in the witness box giving details of the alleged police brutality and torture, Rwaxa asked the judge, Mr. Justice Davidson, to make an order protecting him from the police. The judge said he had no power to do this. (RDM 1.7.77)

Later in the trial, defence counsel objected to the accused being brought into the court shackled together with leg-irons. The judge had already expressed disapproval of this earlier in the trial, and the shackles were removed in court. (CT 7.7.77)

The State continued to present its case through State witnesses. Stephen Lekgoro, who gave evidence of having been taught to use a machine-gun by one of the accused, said he had been in solitary confinement for 6 months and did not know whether his wife and children were still alive. (CT 22.7.77) Joseph Tseto, State witness, gave evidence of the use of his panel vans by some of the accused for trips to Swaziland, and said he had spent 6 months in solitary confinement worrying about his statement and his children. He said he knew he would have to appear in court and give evidence based on his statement and "if I forgot it I might get into trouble". Earlier the judge had rejected a State application for his evidence to be given in camera. (RDM 28.7.77)

Elias Tsimo, another State witness, said he had been in solitary confinement since 12 December 1976, and had been tortured for a day and night on February 11 and 12 1977. He had been forced to stand during that time with his hands handcuffed behind his back, and his wrists hurt so much he lost the use of his left hand for 3 months. He was given electric shocks, suffered cuts on his tongue and inner cheek, and was shown a picture of a man hanging in a cell. The dead man was Dr. Ntshuntha who had been arrested with him (see FOCUS No. 9 p. 8). Eventually he made a false statement, Tsimo said. (RDM 29.7.77, 30.7.77)

A nephew of one of the accused, called as a State witness, said he had been in solitary confinement for 7 months. Alpheus Ramokgadi said until a week before coming to give evidence he did not know whether he was to be an accused or a witness. (RDM 2.8.77)

Another detainee, Super Maloi, refused to give evidence for the State unless he could first see a lawyer. The judge said that in terms of the Act under which has was detained this was not permitted, and warned him of possible prosecution, but he still refused. (RDM 3.8.77)

A 14-year-old boy, held alone in police cells for 7 months, gave evidence of being taught to handle a Scorpion machine-pistol and Tokarev semi-automatic pistol by one of the accused (RDM 4.8.77).

Other State witnesses have given evidence of military training in the Soviet Union and African countries and of being shown or taught

to handle machine-guns and explosives inside the country, of the sabotage of railway lines in the Northern Transvaal, grenade attacks on the SA police, general plans for revolution, recruiting young men to leave the country, and escape routes. (CT 2.7.77; Cit. 8.7.77; W 12.7.77; RDM 15.7.77)

There have been reports of several hundred Africans singing freedom songs, chanting "Amandla" and giving clenched fist salutes outside the court room while waiting for the accused to be driven back to prison. From the gun ports in the truck the accused project their arms and return the salutes. (CT 30.6.77; New York Review of Books 4.8.77)

PAUL LANGA SENTENCED

On August 17 student leader Paul Langa (28) alleged to have led a "suicide squad" of Soweto students, was sentenced to 25 years imprisonment by a circuit judge in Johannesburg on charges under the Terrorism Act. It was alleged during the trial that Langa was chairman of a sub-committee of the Soweto Students Representative Council (SSRC) which was known as the suicide squad.

He was convicted of causing explosions in the Jabulani Police Station, at the Pelican nightclub and at a house, all in Soweto between August and December 1976. He was also found guilty of possessing explosives during the same period. No one was killed or seriously injured in any of the explosions. (GN 18.8.77)

Langa pleaded not guilty and said he had played no part in any of the alleged crimes, except for driving a car for SSRC members when two buildings were blown up. (RDM 12.8.77)

A man who refused to testify against Langa was jailed for three years for this refusal by the trial judge on 5 August. Titi Mthenjane told the court his conscience directed him not to give evidence, after being warned by the judge that he could face 5 years' imprisonment. The judge then jailed him for 3 years in terms of the new Criminal Procedure Act. (see NEWLAWS) (RDM 6.8.77)

SPRINGS SIX

Six men, apparently supporters of the ANC, re-appeared in court on 1 August for trial under the Terrorism Act. (See FOCUS 11 p. 3.) The men, who are being tried at a Springs Special Court, are charged with offences arising out of sabotage incidents and the explosion of a 'bomb factory' in a Soweto house (see FOCUS 6 p. 10.). All pleaded not guilty. (RDM 2.8.77)

The accused are: Mawidhi John Phala, 50, John Afheli Thako, 37, Letsie Ben Mashinini, 34, all messengers, Solomon Musi, a clerk, Bafana Vincent Nkosi, 20, a student, and Phillip Khoza, 55, a clerk.

The indictment alleges the discovery of a Soviet Tokarev machine pistol, ten blocks of TNT, 40 kg of explosives, plus handgrenades and bullets, and an ANC publication "The Story of Simon and Jane", said to be about how to manufacture time bombs. One of the six, John Thabo, is accused of telling a Mr. Thomas Dagada he was a member of the ANC, and had to carry on where Nelson Mandela left off, and also of being in possession of TNT. (RDM 2.8.77)

Evidence was led of a bomb being planted on a railway bridge in January 1977, of a series of explosions at a Soweto house allegedly being used as a bomb training school, and of how one

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of the accused, Phillip Koza, and his wife tried to obtain passports to go to Mozambique after the blast. (RDM 3/4/5/10.8.77) Another State witness told the court that a suitcase with a false bottom containing a Russian-made rifle was left at his house. He had only seen dresses in the suitcase. (RDM 13.8.77)

THREE SOWETO MEN

Three men from Soweto are to appear in a Supreme Court hearing on charges under the Terrorism Act. They are Mpho Mashinini, a brother of the self-exiled student leader Tsietshi Mashinini, Garnet Themba Mlangeni and Paul Mphiphene Fakude.

They are alleged to have been responsible for a number of people attempting to leave the country illegally to undergo military training and fight a guerilla war against South Africa. Mashinini is also alleged to have attempted to leave the country illegally for Tanzania where he was to receive military training. (W 22.7.77) It was also reported that another man from Orlando East, Soweto, has been charged with encouraging or enticing three people to undergo military training outside South Africa. He is Mbube Mndinzi. (W 22.7.77).

STEVE BIKO

Steve Biko (30), honorary president of the Black People's Convention, was found not guilty and discharged on a count of obstructing the course of justice and an alternative charge of subornation to perjury, in an East London Regional Court on 13 July.

There were cries of "Amandla" and clenched fist salutes from a crowded public gallery, when he was acquitted. The magistrate said in his judgement that the evidence given by the accused "was certainly far more satisfactory than that of the State witnesses." (RDM 14.7.77)

The State claimed that before a sabotage trial in Grahamstown earlier in the year, Biko had instructed seven students to change their evidence to say they were forced to make false statements to the police. (RDM 13.7.77) (See FOCUS No. 10 p. 15)

RECRUITING TRIAL

A 21-year-old woman, Serina Metsokoane Makhoere, appeared in the Pretoria Regional Court on 17 August on a charge of recruiting students to undergo military training outside South Africa in order to fight South African police who shot and killed students.

The accused, who is being charged under the Terrorism Act, was a student at Vlakfontein Technical High School and is alleged to have recruited seven Mamelodi students between August and October, 1976. Miss Makhoere was arrested in Potchefstroom allegedly on her way to Botswana. (RDM 18.8.77)

SENTENCE REDUCED

The Appeal Court in Bloemfontein has reduced a four-year jail sentence for a man found guilty last year of charges under the Suppression of Communism Act to an 18-month sentence. (See FOCUS No. 8 p. 8)

Tefetso H. Mokhehi (26) (previously reported in the press and FOCUS under the name of Henry T. Mothibi), a graduate of the

University of Lesotho, was employed on a research project by the Anglo American Corporation at the time of his arrest. (*W* 5.6.77)

MSITSHANA

On 22 August **Vuyisile Joshua Msitshana** (49) of Soweto, appeared in the Rand Supreme Court charged under the Terrorism Act with writing and distributing a pamphlet called "The Voice of the Black People in South Africa" which allegedly encouraged acts of violence against the government.

Msitshana, a self-styled rabbi, pleaded not guilty but admitted writing and mailing the pamphlet to a number of government departments. (*RDM* 23.8.77)

ZIMU and THREE OTHERS

In the first Terrorism Act trial to be held in terms of the new Criminal Procedure Act (see *NEW LAWS*), four men were found guilty on the second day of the trial at the Supreme Court, Pietermaritzburg.

After a fifteen minute hearing on 1 August, the court took a further six minutes the following day to find the four guilty. **Isaac Sithemliso Zimu**, 28, **Veli Sandile Timothy Edward Mthemba**, 22, and **Thema Khumalo**, 18, pleaded guilty to the first charge of inciting others to undergo military training and to the second charge of attempting to leave the country to undergo military training themselves. The fourth defendant, **Walter Buhlebyeya Mtshali**, 29, only pleaded guilty to the first. No evidence was led and all were convicted as they pleaded. (*RDM* 2.8.77, 3.8.77)

The trial was dubbed a "15-minute trial" in the press, but it has in fact been prolonged by a series of adjournments. On 3 August, before argument in mitigation of sentence could be led, Mtshali made an application for his pro deo counsel to be replaced. The judge allowed an adjournment. (*RDM* 4.8.77) On 8 August Mtshali told the court he wanted to change his plea: "I have had the benefit of other legal consultation engaged by my family and realise, for the first time, that what I've done doesn't constitute any offence under the Terrorism Act," he said. The other accused also requested their own legal representation and said they wanted to change their pleas to not guilty. (*RDM* 9.8.77) Then on 23 August defence counsel for the four accused applied for the presiding judge, Mr Justice Kriel, to recuse himself from the trial. The application was made after it was learned that the accused's previous pro deo counsel, W. Menge, might appear in the case as a witness for the State. Defence counsel for one of the accused said that he had discovered that Cecil Rees, the Attorney-General of Natal appearing for the State, had acquired a sworn affidavit from Menge and that Rees' attitude was that previous communication between the accused and Menge was not privileged. Defence counsel said he had discussed this with the Bar Council, which had taken a serious view of the matter. He said the judge would be placed in a difficult situation because he had had communication with Menge, asking him to perform certain functions, and would now have access to his behaviour and conduct. (*RDM* 23.8.77)

ZULULAND STUDENTS ACQUITTED

Clenched fist salutes, cheers and singing marked the acquittal of 19 students of the University of Zululand on charges arising from demonstrations at the university in June last year at the Durban Supreme Court on 28 July 1977.

The students, including one woman, were all acquitted at the end of the State case. One other student had already been acquitted on 18 July. The students all

pleaded not guilty to three counts of sabotage, one of arson, one of malicious damage to property and two counts of assault with intent to murder.

After closing the State case, the State prosecutor asked the court to come to a decision without further evidence being led. He said the State case rested substantially on the evidence of accomplices who had been students at the university. The prosecutor said he conceded these accomplices had not given satisfactory evidence from the State point of view. (*Natal Witness* 29.7.77)

BREYTEN BREYTENBACH

Breyten Breytenbach, leading Afrikaans poet, was acquitted of charges under the Terrorism and Riotous Assemblies Acts, but was found guilty of smuggling letters in and out of prison, on 15 July 1977. He was fined R50 or 30 days jail on 15 counts under the Prisons Act.

Breytenbach is already serving a nine-year prison sentence after being convicted under the Terrorism Act in November 1975. The main allegation in the second trial was that Breytenbach procured the co-operation of a prison warden to further the aims of an allegedly revolutionary organisation, Okhela. (*RDM/GN* 16.7.77)

DAVID RUSSELL WINS APPEAL

A three-month jail sentence imposed on **Rev. David Russell** in February for refusing to tell a magistrate the names of the persons who gave eye-witness accounts of the police acts which were published in "The Role of the Riot Police in the Burnings and Killings, Nyanga, Cape Town, Christmas 1976", was set aside on appeal in the Cape Town Supreme Court on 20 August. (See *FOCUS* 9 p. 13)

The judges found that the answers sought from Rev. Russell by the magistrate were not material to the arson allegedly committed by the police. Russell's failure to give the answers did not give the magistrate jurisdiction to sentence him, the judge ruled. (*RDM* 20.8.77)



Spectators raise their fists in solidarity with the Pretoria Twelve outside the Old Synagogue Courthouse

DEATHS IN DETENTION

In July and August four people are known to have died in security police detention, bringing the number of detainees who are known to have died while being held under security legislation since March 1976 to 23, and since 1963 to 45. The most recent deaths are:

Phakamile Mabija (27) died 7 July
Elijah Loza (59) died 2 August
Dr. Hoosen Haffeejee (26) died 3 August
Bayempin Mzizi (62) died 15 August

It was incorrectly reported in the *Rand Daily Mail* (1.8.77) that a 59-year old woman, Mrs. Rose Segalwe, had died while in detention. Other reports make it clear she died on 9 July while serving an 18-month prison sentence for an alleged role in the demonstrations in Soweto during 1976. (W 27.7.77). Thus her death cannot be regarded as death in detention.

Phakamile Mabija plunged to his death from the sixth floor of the Transvaal Road police station in Kimberley on 7 July. He was being held after an incident when buses were stoned during a bus boycott in Kimberley by African and Coloured commuters which began on 26 June. He was to have appeared in court the following day under the Riotous Assemblies Act. Mr. Mabija, who lived in Vergenoeg, was the Kimberley church warden of the parish of St. James, and a full-time youth worker for the Anglican church. (W 15/22.7.77)

At the inquest, Col. J.D. du Plessis, Chief of the Kimberley Security Police, said that as a rule windows on that floor were usually secured with locks but that the window where Mabija had fallen from had been opened to allow fresh air into the room. (RDM 2.8.77) He disputed a statement made by Mabija's sister that a white detective had told her brother: "Say goodbye to your family, you will not see them again. . . ." (W 3.8.77)

Elijah Nkwenkwe Loza (59), a Cape Town trade unionist of long standing, died in Tygerberg hospital, Cape Town on 2 August while being held under security laws. He was detained under the Terrorism Act on 27 May and held at Victor Verster prison in Paarl. He was transferred from there to the hospital on 8 July in a coma. Security police claimed he was suffering from a stroke. (CT 3.8.77)

A former bakery worker and regular migratory labourer, travelling from the Ciskei to Cape Town, Loza became an organiser for unorganized workers in the Cape Town area. In the early 1960's he was Secretary of the African Commercial and Distributive Workers' Union in Cape Town, and was Chairman of SACTU in the Western Cape region. He was one of

the first people to be detained under the "90-day law" in 1963, and was re-detained after the first 90 days. He was charged with 44 others in November 1963, (the Goodwood case), and sentenced to six years in prison, but was acquitted on appeal. He was then placed under 24-hour house arrest, and spent nearly ten years under banning orders. He was again banned for five years in November 1976. (MS 4.8.77)

On 13 July Mr. Loza's ex-wife and daughter claimed he had been assaulted by security police while in detention. Mrs. Girlie Loza said she visited her ex-husband in hospital. "He was unconscious when I saw him. He mumbled incoherent things when I visited him again a few days later. He was in bad shape. I am sure the police assaulted him while he was in detention," she said. His daughter, Miss Ethel Loza, said when she visited her father at the hospital "there were bruises and a swelling on his head and he was jerking so violently that he had to be restrained. When I asked him which parts of his body were painful he pointed to his head, shoulders and private parts." (CT 14.7.77)

A week after this a Tygerberg Hospital spokesman said Mr Loza's condition "is very much improved." (CT 21.7.77) Within two weeks he was dead.

Dr. Hoosen Mia Haffeejee, died within four hours of his detention, in Brighton Beach police station cells, Durban on 3 August. Security Police claimed he was found hanging in his cell from the leg of his trousers. The Divisional Chief of the Security Police in Durban said that Dr Haffeejee had been detained under the provisions of the Criminal Procedure Act in connection with an investigation under the Terrorism Act, shortly after midnight on 4 August. (RDM 4.8.77) Dr Haffeejee, a dentist at King George V Hospital, Durban, qualified at the Nagpur Medical and Dental College in India and returned to South Africa in October 1975. (Natal Witness 4.8.77)

At the official post-mortem it was claimed his death was consistent with hanging. (RDM 4.8.77) However, after an independent post-mortem conducted in Pietermaritzburg before his funeral there, Dr Haffeejee's brother Mr Hoosen Haffeejee said there were 25 abrasions on the body, arms and legs of his brother's body as well as burn marks. (RDM/Natal Witness 5.8.77)

Bayempin Mzizi (62) was also claimed by Security Police to have been found hanging in a Brighton Beach prison cell, Durban on 15 August. (MS 16.8.77) He had been detained under the Terrorism Act.

The Terrorism Act detainee from Kagiso who was taken to hospital after allegedly falling from a window in Krugersdorp police station (see FOCUS No. 9 p. 8.) was identified as **Johnson Vusimuzi Ivan Nyathi** by the police, who said he had been detained on 9 December 1976 together with Aaron Khoza, who died in detention on 26 March (see FOCUS No. 10 p. 13). Nyathi, who was admitted to Leratong Hospital on 2 February was still there under guard in July. (W 5.7.77)

INQUESTS

KHOZA On 12 July an inquest magistrate ruled that nobody was to blame for the death of Mr Aaron Khoza, 45, a Terrorism Act detainee, apparently found hanging in a Pietermaritzburg prison cell by a rope made of two shoelaces and a jacket on 26 March 1977. Mr Harry Pitman, appearing for Mr. Khoza's family, said the evidence of prison authorities was conflicting and the investigation had proved unsatisfactory. (RDM 13.7.77) (See FOCUS No. 11 p. 6)

MALELE A Security Police Captain claimed that a 61-year old Terrorism Act detainee Mr Mafike Elmon Malele, died of hypertension after being questioned by security police in connection with a sabotage charge, at an inquest in the Johannesburg Magistrate's Court on 7 July. Mr Malele died on 20 January, eight days after being admitted to hospital from detention (see FOCUS No. 9 p. 8). Capt. A.B. Cronwright of the Security Police, claimed that while he was questioning Mr Malele, he fell forward and hit his head against a desk. He then fell to the floor and lay on his back with foam coming out of his mouth. Medical evidence given was that Mr Malele died later in hospital of hypertension and spontaneous haemorrhage. (RDM 8.7.77)

The magistrate ruled on 16 July that nobody was to blame for his death. (RDM 17.7.77)

MAZWEMBE At the resumed inquest on 24 June into the death of the detainee Mr Luke Story Mazwembe (33), (see FOCUS No. 7 p. 6, No. 8 p. 5) a police constable claimed that he had found Mr Mazwembe hanging from the ceiling by a piece of blanket, and that there was a razor blade in the cell.

The inquest hearing was adjourned in order for a police lieutenant, alleged to have vital evidence, to be contacted. (CT 25.6.77)

In June Mrs Helen Suzman asked the Minister of Police, Mr Jimmy Kruger, in parliament whether the inquests into the deaths of Frank Mapetla Mohapi, Ernest Mamashila, Wellington Mlungini Tshazibane, Luke Mazwembe and George Botha were concluded, and if so, what was the finding in each case. The reply was as follows:

The Minister of Indian Affairs (for Minister of Police):

MOHAPI: Not yet concluded.

MAMASHILA: "Death due to hanging, when deceased hung himself."

TSHAZIBANE: "Consistent with hanging".

MAZWEMBE: Not yet concluded.

BOTHA: "Death the result of head injuries. No evidence that his death was the fault of any person." (Debates 17.6.77)

DETENTIONS

According to the SA Institute of Race Relations, a total of 579 people were being held in security detention at the end of July. (MS 10.8.77)

WOMEN HELD

At least three women from Soweto, all mothers, who were detained in January, were still being held at the end of May. They were **Evelyn Sedibe**, a schoolteacher, **Rebecca Marule**, mother of five, and **Emily Mannathoko**, mother of two. (W 30/31.5.77, 1.6.77)

Other women detainees are **Adelaide Thakane Pholosi**, Black Sash interpreter and mother, detained in Johannesburg on 7 June (CT 8.6.77), and **Mrs Nonhlanhla Ntshuntsha**, widow of Dr Naboath Ntshuntsha who died in detention in January (see FOCUS No. 9 p. 8) and radiographer at Baragwanath Hospital, detained on 29 June. (RDM 7.7.77)

EX PRISONERS

A number of men who have served sentences on Robben Island for political offences were detained in June. They included **Thomas Xaba** (40), **Titus Seele** (45), **Martin Ntsoelengoe**, **Harrison Mbambo**, all of Randfontein and released at the end of June; **Archie Jacobs** of Toekomsrus; and **Josias Mokofane** (32) who was arrested at the time of the Rivonia case and served a 13 year sentence. (W 15/21/26.6.77) On 30 June **Alpheus Mohlanyaneng**, brother of one of the accused in the Pretoria Twelve trial, was detained at home by security police. (RDM 2.7.77)

JOURNALISTS

Jan Tugwana (22) reporter on the *Rand Daily Mail*, who was held for three months in 1976, was re-detained on 30 June, bringing the number of journalists

held to four (Joe Thloloe, Thenjiwe Mtintso, Willie Bokala). (RDM 12.7.77)

A TV cameraman **Frank Mybergh** and his black assistant were detained on 16 June while filming a student demonstration. Both were released within 12 days. (RDM 28.6.77)

TRANSKEI

Hector Ncokazi, leader of the Transkei Democratic Party, was redetained on 13 August in Umtata. Ncokazi was originally detained in July 1976 (see FOCUS No. 6 p. 10) and released in February. His detention followed a police raid and the arrest of nine others held from July 1976 to April 1977 and thought to be involved with the Pan-Africanist Congress. According to police Hector Ncokazi was held under the Transkei's new General Law Amendment Act, a sweeping security law. (GN 16.8.77)

BLACK CONSCIOUSNESS

Steve Biko, (see also under *POLITICAL TRIALS*) and **Peter Jones**, of the Black Community Programmes, were detained under the Terrorism Act on 19 August and held in Port Elizabeth. A few days later three other BPC employees were detained following a police raid on their office in Kingwilliamstown. They were **Mrs Nohle Mohapi**, widow of Mapetla Mohapi who died in detention, **Miss Nosipho Ketj** and **Miss Xoliswa Ngabeni**. (RDM 24/26.8.77)

STUDENTS

Security police continued to detain student activists, among them the following (date of detention in brackets):

David Oupa Ngubeni (22), **B. Elisabeth Ngubeni** (18), **Sibongile Catherine Ngubeni** (17), **Virginia Nomsa Masuku** (15), **Herbert Mabuza** (22) all

held following a raid on the Ngubeni house in Soweto when 18 young people were arrested. (10.6.77)

Jacob Mahelo (22) of Soweto, held for 50 days in 1976 (10.6.77)

Christopher More and **Mma Sabata Loate**, both of Soweto. (18.6.77) **Peter Wright Moshesh** (20) of Soweto (27.6.77) **Rosalie Lele Abrahams**, of Johannesburg, sister of two refugee students now in Tanzania. (1.7.77)

Rodney Tsholetsane (20) of Krugersdorp. (Arrested 21 June, released and redetained 1.7.77)

Naphtalie K. Sathekge (18) of Atteridgeville, member of local students representative council; **John Mahlanga**, of Vlakfontein Technical School and **Simon Skosana** (1.7.77). Mahlanga and Skosana were released on 16 July. **Abel Phehla** (21), **Gilbert Bosigo** (25) and three others from Naledi (26.7.77).

Iganeseus Moro, **Kgatello Peta**, **Jerry Mathole**, **Dipoa Madiba**, **Leapetswe Molotsane**, **Ben Shongwe**, **Tshepo Motlane** (all 18) **Tshepo Mmolor** (19) and a 17 year old, all from Atteridgeville, arrested in connection with the schools boycott (see under *POLICE SHOOTINGS CONTINUE*) (27.7.77)

Steven Tau (19) and **Isidore Mbatha** (19) both from Alexandra (27.7.77)

Ligwa Mdankome, **Sibephu Joseph**, **Domo Mkhaphi**, **Mzi Njekula**, (2.8.77) and **Mkululi Goina** (5.8.77) all of Kwazakhele High School, Port Elizabeth, and detained under the General Laws Amendment Act.

Jerome Velapi Dlamini (18), **Anastacia Zulu**, **Ayenda Cokile**, **Sipo Comaceoe** and at least eight other arrested in connection with the Soweto Students Representative Council and schools boycott (6.8.77). Dlamini was admitted to hospital on 6 August with injuries, according to hospital staff. Police denied the injuries in court when Dlamini's father applied for an order restraining police from assaulting his son while in custody. The order was refused. (RDM 19.8.77)

Nyanisile Jack, **Phindile Mdintsi** and **Ms Lulama Mgqanqo**, all of the East London Students Cultural Association and local SASO members (10.8.77).

In addition the Civil Rights League published the names of 39 young men from the Cape Peninsula who were still in detention at the beginning of July, having been arrested in January or early February. Most were from Langa. The list, published in the *Cape Times*, included the name of **Elijah Loza** (see under *DEATHS*) (CT 7.7.77)

BANNINGS

New banning orders announced recently include the following:

- **Thami Zani**, publicity secretary of the Black People's Convention, banned for five years in July. Zani, former SASO general secretary and 1976 detainee, was served with his banning order while travelling to the SASO conference. It restricts him to Dimbaza and prevents him from contact with Black Consciousness organisations and the Zimele Trust Fund, which helps ex-political prisoners and of which Zani's wife is administrative secretary. Less than a week after the ban

Zani was arrested for having several guests in his house. He was released on bail. (W 10/11/15/17.7.77)

- **Rev. M.E. Maqina**, playwright from Port Elizabeth, banned for five years in July. The order was issued shortly before Maqina's play "The Trial", banned in South Africa, was due to be staged in the Transkei. The play was effectively prevented from opening by the restriction of Maqina to New Brighton; members of the cast were warned by security police not to go ahead with the production. (RDM 6/8.7.77)

- **Bobby Marie**, library assistant from Durban and son-in-law of sociologist Fatima Meer, banned for five years in July. Marie was detained under the Internal Security Act last year. (RDM 12.7.77)

- **Immanuel Gotlief Nathaniel**, of Walvis Bay; ban announced in the *Government Gazette* of 22 July 1977.

CONTRAVENTIONS

- **Winnie Mandela**, banned by Brandfort in May (see FOCUS No. 11 p. 4) has been

twice arrested and charged with breaking her banning order since her removal. The first instance took place in June and involved having more than one visitor; the second occurred in July. She was due to re-appear in court on 31 August. In July Mrs Mandela applied for a Supreme Court order to prevent security police from

harassing herself and her visitors. Several visitors have supplied affidavits detailing arrests and assaults, in an apparent attempt by police to increase Mrs Mandela's isolation. (RDM 2/29.7.77; T 30.7.77; W 24.7.77)

● **Steve Biko** (see also under **POLITICAL TRIALS and DETENTIONS**) Dr Mamphele Ramphele and Miss Ethel Thenjiwe Mtintso, all banned people, appeared briefly in court in Kingwilliams-town on 6 July charged with contravening their banning orders. The case was remanded. (W 7.7.77; RDM 7.7.77)

POLICE SHOOTINGS CONTINUE

Police gunmen continued to open fire on crowds of demonstrators and students, killing at least seven people during July and August. Several others were wounded, and about 1000 arrested, of whom some were charged with illegal gatherings or public violence. Most of the others appear to have been released relatively quickly, but some student leaders, including members of the Soweto Students Representative Council, have been detained under the Terrorism Act.

A large proportion of the mass arrests took place following the well-organised schools boycott which began in the last week of July. Students attended school but refused lessons. The boycott was particularly strong in Soweto and the Pretoria township of Atteridgeville, and actively supported in Kwa Thema (Springs), Katlehong (Germiston), Evaton (Vereeniging), Brakpan (E. Rand), Bekkersdal (W. Rand), Ventersburg (OFS), and Lamontville (Durban). Students at Lovedale Training College and a secondary school in the Transkei were also reported to have staged protests, while 98 matriculants were expelled from Healdtown School near Port Elizabeth.

Police attempts to crush the boycott included house-to-house searches, heavy police patrols using teargas, dogs and shotguns and attacks on students in school premises. Orlando junior secondary school was attacked by a police detachment using batons and dogs, which chased the students through the building. On this occasion a girl was shot dead and at least nine injured. One of the victims, Maria Xaba, speaking from hospital, said she had been in a classroom on the second floor when "police dashed in, set dogs on us and assaulted us". She tried to escape downstairs and was followed. "I ran into the laboratory. My clothes were covered with blood. I ran out and escaped." (RDM 30.7.77)

Police also attacked groups of mourners attending funerals, and other meetings called by township residents. A selected list of recent incidents includes the following:

28 June/Pretoria
Students' march to city centre against Bantu Education and student detentions stopped by police and 23 people arrested. (CT 29.6.77)

1 July/Sebokeng, Vanderbijlpark
Protest march against rent increases broken up by police. Seventeen arrested and at least eight charged with public violence following an attack on buses and a hostel. (W 17/19.7.77)

9 July/Welbekend, nr. Pretoria
Police shot dead a man and a woman in a village crowd after a police van had been attacked. (RDM 12.7.77)

21 July/Potchefstroom

Thirty people arrested following an attack on Chief Mangope and other Bophuthatswana ministers at a public meeting on 17 July. (W 18/21.7.77)

27 July/Alexandra, Johannesburg
Large school demonstration (following night arrest of two students by security police) dispersed by police with tear gas and warning shots. Several arrests. (W 22.7.77)

1 August/Transkei

40 students arrested at Matabiela school after a protest meeting. (BBC 3.8.77)

29 July—8 August/Soweto

Daily confrontations between students and police, involving tear gas, bird shot, rubber bullets, dogs. 74 arrested on 1 August, 82 on 4 August (including four wounded) and 12 on 8 August. (RDM 30.7.77, 2/5/6/9.8.77)

8 August/Ga Rankuwa

Police act to 'quell disorders' and arrest 230 people after Barclays Bank and other commercial buildings were set on fire. (RDM 9.8.77)

15—19 August/Soweto

"Police out in full force in Soweto" according to the Minister of Police. Armed police patrol and enter schools. 175 arrested on 16 August and 137 on 19 August, when one youth was killed. (RDM 16/17/20.8.77)

NEW LAWS

Several new repressive laws have come on to the statute book in South Africa, or are in the process of being debated in Parliament, over the past few months. Some of them have already achieved notoriety, chiefly, the **Criminal Procedure Bill** which was commented on in FOCUS 9 and is already in use (see **POLITICAL TRIALS**)

The most important laws in this new barrage of legislation are:

Community Councils Bill. This bill opens the way for the legalisation of the "Makgotla" system of tribal justice which already exists unofficially in certain townships, and the introduction of community guards in urban African townships. It replaces the Urban Bantu Councils Act and abolishes the Urban Bantu Councils. (The Soweto UBC members had been given an ultimatum by the Soweto Students Representative Council to resign their positions). Unlike the purely advisory UBC the new community councils are given some of the powers enjoyed by local authorities under the Bantu Administration Act of 1971. The councils are to be elected on a tribal basis.

Provision is made for links between them and Bantustan governments through urban representatives of the homelands. The word "makgotla" is not used in the Bill, but the Minister is empowered to appoint an African to exercise powers defined in Sections 12 and 20 of the Native Administration Act of 1927. These sections provide judicial powers for chiefs and headmen in African areas in criminal and civil cases which involve Africans only (i.e. for "Makgotla" or tribal courts).

Provisions for punishment, although not allowing fines of more than R40, allow for corporal punishment being administered in public to males under the age of 30. (RDM 14.5.77). In opposing the section of the Bill allowing for the legalisation of the Makgotla, Mrs Helen Suyman, PRP, described the Makgotla tribal courts as 'kangaroo courts' and said the provision for public flogging was abhorrent to anybody with any idea of human dignity. The Deputy Minister of Bantu Affairs, Mr. Willem Cruywagen, supported the measure saying that the Bill would improve a system already operating outside the law. (RDM 25.6.77). In terms of the Bill "community guards" may be established at the discretion of the Minister of Bantu Administration after consultation with the Minister of Police. The composition, control and duties of the community guards would be prescribed by the Minister and would not derogate the powers of the South African Police. (RDM 14.5.77)

Public Security Bill. This bill, tabled in the Transkei National Assembly by the Transkei's Minister of Justice, Chief George Matanzima, replaces and repeals all South African security laws in force in the Transkei, including the Transkei emergency regulations, Proclamation R400 (RDM 13.5.77). However, large sections of South African security legislation have been included in the Bill including: (a) indefinite detention without trial (as in the Terrorism Act) (b) the banning of persons by administrative decree and the prohibition of communism as defined in the sweeping terms of the old Suppression of Communism Act) (c) the outlawing of the African National Congress and the Pan Africanist Congress (as in the Unlawful Organisations Act) (d) provision for the banishment of "recalcitrant" tribesmen by Chiefs (as in Proclamation R400). (RDM 17.5.77). The Bill also prescribes a minimum sentence of five years' imprisonment and a maximum of death for any Transkei citizen who refuses to recognise the country's "independence", or says that it should be part of another country (i.e. South Africa). Chief George Matanzima said the propagation of such a view would be tantamount to treason. (CT 13.5.77). Other offences listed in the Bill are "harbouring and helping terrorists" — also liable to the maximum penalty of death — and statements or acts "causing hostility between population groups". (RDM 13.5.77). Chief George Matanzima said Transkeians would be

free to hold public meetings again with the repeal of the "state of emergency" under Proclamation R400. He said that organisations such as the ANC and PAC would remain banned as they were the driving force behind world attitudes to the Transkei. (RDM 19.5.77).

A Bill making provision for a Transkeian Intelligence Service and a State Security Board has also been passed by the National Assembly. The Intelligence Service and State Security Council Bill was gazetted on 22.7.77 (Transkei Govt. Gazette No. 39)

Prevention of Illegal Squatting Amendment Act.

This amendment, gazetted on 3 June 1977, does away with the requirement that a land owner (including a local authority) must give notice of his intention to demolish any building or structure erected on his land without his consent. It also contains retrospective provisions requiring a squatter seeking a court order preventing the demolition of a structure, to prove title or ownership to the land concerned. No court order, judgment or other relief may be sought in a civil court without this being proved as a prerequisite to litigation. (RDM 21.4.77). The Financial Mail of 22.4.77 commenting on this amendment (under the heading "No place to hide") said: "Government has carefully noted the technical 'shortcomings' of the old Act which resulted in a number of Supreme Court cases in which squatters successfully applied for orders restraining the Minister's bulldozer. By a few substitutions of words and phrases the bill renders access to courts and due process virtually impossible. Technical loopholes, and uncertainty about ownership of squatter land, which in the past two or three years have seen squatters win reprieve after reprieve in the courts, or in the case of the Stellenbosch and Kraaifontein squatters, have resulted in a local authority being ordered to re-erect shacks it had demolished, will be a thing of the past when the amendment is enacted". Clearly this new Act paved the way for the demolition of squatters' dwellings at Modderdam (see OPEN SEASON ON SQUATTERS).

Lower Courts Amendment Act. This was gazetted on 1 July. The Amendment enables Sabotage and Terrorism Act trials to be held in regional courts whose jurisdiction is drastically increased by this new piece of legislation. Regional courts can now sentence people to R10,000 fines and up to ten years in jail. Sabotage and "terrorism" trials were previously heard exclusively in Supreme Courts, and regional courts were restricted to fines of R1500 or jail sentences of three years. Sentences of magistrates' courts are also increased from six months to twelve months and from R500 to R1000. (RDM 21.4.77). This law seems primarily aimed at dealing with the large increase in the number of people on trial under the Terrorism Act.

Criminal Procedure Act. Finally gazetted on 6 May, this major Act allows for interrogation of the accused in trial court cases by judges or judicial officers. This Act will also be useful to the State in dealing with the great increase in trials of a political nature in South Africa, as it will "speed up trials and save the accused unnecessary remorse", according to the Minister of Justice, Mr. J.T. Kruger. (RDM 1.2.77). This Act has already been discussed briefly in FOCUS 9 p. 11, and its effectiveness was demonstrated in the "15 minute trial" under the Terrorism Act in Pietermaritzburg in early August. (see POLITICAL TRIALS). Among the disturbing provisions of the Act are:

- **Clause 115:** introduces a new aspect of court procedure by allowing presiding judges or magistrates to question the accused on a post-

plea, pre-trial basis. The accused may thus be asked to disclose the basis of his defence before the trial commences.

- **Clause 182:** states that convicted prisoners may only be subpoenaed as defence witnesses if authorised by the court, which may withhold permission if it considers the evidence is not material to the case, or if public safety and order will be endangered by the witness appearing. (This provision is designed to stop Robben Island prisoners appearing as witnesses in cases involving other liberation movement activities, where part of the prosecution case is based on evidence about past political activities.)

- **Clause 105:** requires that when an accused person is brought to court he be required to plead immediately (not when the trial actually opens).

- **Clause 185:** provides for detention of State witnesses incommunicado with no access to legal advice. Detention is ordered on the basis of information supplied by the Attorney-General, (i.e. by the police), but detained witnesses have no right of reply to that information. "Hon. members need only read the newspapers of the day before yesterday (i.e. 21 March 1977) to see how a state witness

changed his story and quite a number of people who had participated in riots in urban areas were released", the Minister of Justice, Mr. Kruger, said in Parliament in relation to this clause. (Debates 23.3.77.)

- **Clause 213:** gives uncontested written statements the same status as oral evidence. This does not include expert evidence (Clause 212) or documentary evidence (Clauses 212 and 213).

- **Clause 217:** deals with the challenging of confessions. Defence must now prove that confessions were not made freely and voluntarily. Previously the onus was on the state. In practice, in order to prove he did not freely confess the only witnesses an accused can call are the police who interrogated him, so he has in effect no witnesses except himself.

Of the new laws referred to in FOCUS 9, the Civil Protection Bill was gazetted as the Civil Defence Act on 26 May 1977. On 14 April 1977 the Minister of Justice, Mr. J. Kruger, said the Indemnity Act, indemnifying the State against liability during the unrest since June last year, had recently been promulgated (RDM 15.4.77). (see FOCUS 9, p. 1)

"OPEN SEASON ON SQUATTERS"

When a Progressive Reform Party spokesman, Dr. F. van Zyl Slabbert, predicted in the House of Assembly in April that with the Prevention of Illegal Squatting Bill the Minister of Community Development was declaring an "open season on squatters", his prophecy was soon vindicated. (Debates, 27 April 1977). The bill became law in early May (see NEW LAWS), and in August demolition of the Modderdam Road-Unibel squatters' complex, housing 20-30,000 people, began. (see map). This appears to be the first step in the removal of the estimated nearly 300,000 African and Coloured people living in the over 50 different squatter settlements in the Cape Peninsula area. (Reality, July 1977)

By 12 August bulldozers had demolished the last shacks of Modderdam Road squatters' camp after a five-day operation that left 10,000 people homeless. It was the first stage in the demolition of the entire Modderdam, Unibel and Werkgenot squatter complex.

During the demolition, which was vigorously opposed by the Modderdam

Road squatters' executive committee as well as many welfare bodies, police used dogs and tear gas to disperse the crowds. Several people were bitten by dogs when police broke up chanting crowds on 8 August. (RDM 9.8.77). On 10 August about 100 whites from several different organisations joined the evicted squatters in a passive protest. Police used tear gas to disperse the crowd of protesters, mostly Africans, singing hymns in the Xhosa language (T 11.8.77). The following day an Anglican priest, Rev. David Russell, and two white social workers were arrested at the camp when they lay down in the path of a bulldozer. (RDM 12.8.77)

A handful of Coloured squatters moved before demolition to Rifle Range camp where the Department of Coloured Affairs said they could go, but the vast bulk of the squatters in this particular camp were African. These Xhosa-speaking Africans, most of whom are in the Western Cape "illegally", have no legal place to go except to return to the poverty-stricken Transkei and Ciskei. (CT 6.7.77) The government has offered them free return rail tickets to

continued overleaf

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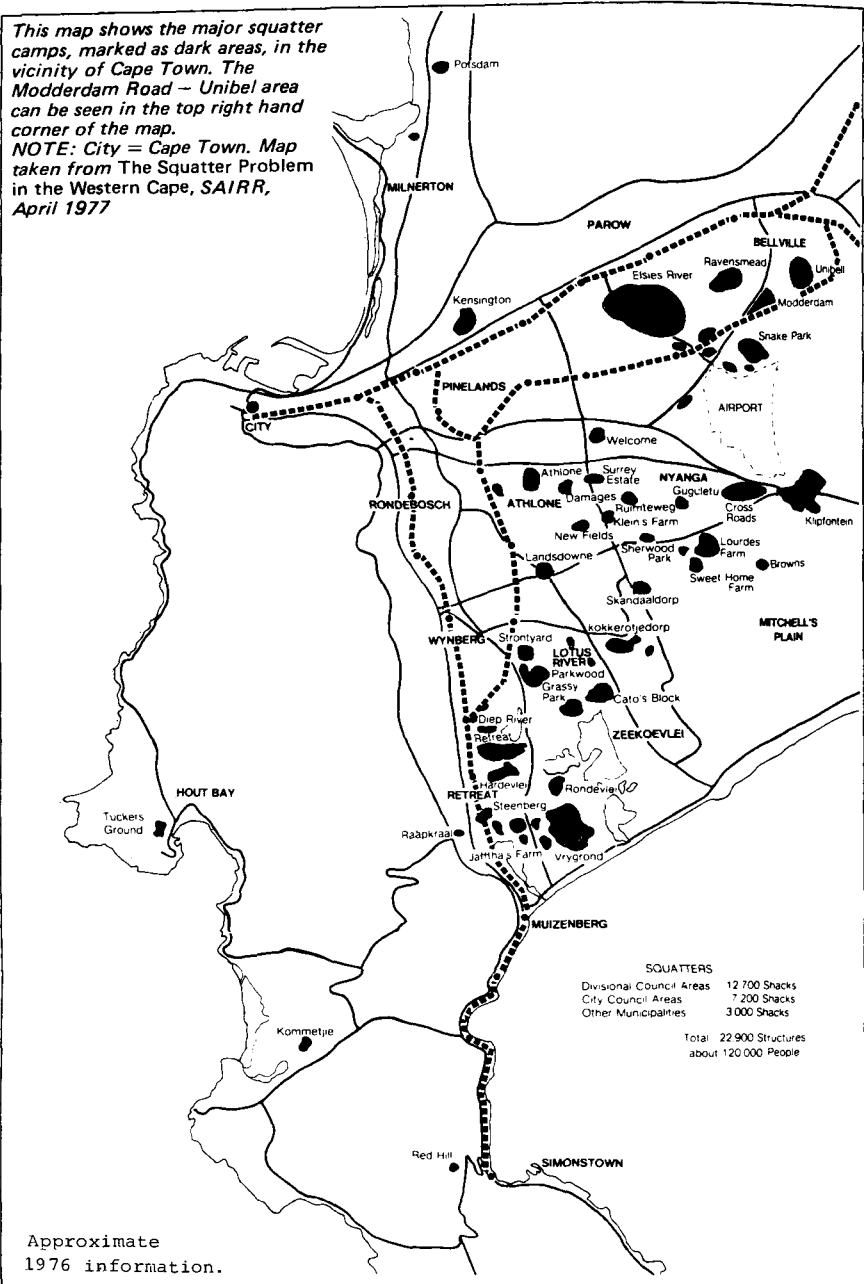
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the Bantustans but many "disappeared" into the African townships of Langa, Guguletu and Nyanga. (GN 12.8.77) A recent survey in Modderdam showed that 70% of the African male residents were legally entitled to be there (because they were in employment) but that 90% of the women were there illegally. (Reality, July 1977). The pass and influx control laws which control the movement of Africans, are applied more stringently in the Western Cape than anywhere else in South Africa; it is, theoretically, an area where preference has to be given to Coloured people in terms of jobs and social services. (GN 12.8.77)

Mr. Stephen Bosman, vice-president of the Modderdam Road committee, said shortly before demolition started that the wives had come with their families to be with their husbands and "also because of the poor conditions in the homelands. They should not be made to go back there and we appeal to the authorities not to enforce the break-up of our families. If we have to be moved from Modderdam Road, let us be moved somewhere where we can remain as a community - and as a useful part of the community as a whole". (CT 2.7.77) African men live in the squatter camps to be with their families, because of the housing shortage or to avoid living in the barrack-like "bachelor" hostels built for migrant workers. Because the Western Cape is a 'priority' area for Coloured people, accommodation for Africans is not designed to house families: official provision is made for only one in every 4.7 workers to be with their families. (The Squatter Problem in the Western Cape, SAIRR April 1977)

The Transkei Government has reacted angrily to the S.A. Government's offer of free travel to the Transkei for evicted squatters of Xhosa origin. Chief Kaiser Matanzima, the Transkei's Prime Minister, has repeatedly protested that he will not allow his territory to be used as a "dumping ground" for unwanted blacks. However, all people of Transkei origin are regarded as Transkeians by South African and Transkei law. The Transkei became "independent" last year and accepted all people of Transkei origin living in South Africa as its citizens. Professor John Dugard, Professor of Law at the University of the Witwatersrand, said of the squatters: "They are Transkeians and the South African Government has due legal power to deport them". The Transkei could question the manner of their deportation but it could not legally refuse to accept people who are Transkei citizens in terms of its own law, he added. (RDM 10.8.77; GN 12.8.77)

This map shows the major squatter camps, marked as dark areas, in the vicinity of Cape Town. The Modderdam Road - Unibel area can be seen in the top right hand corner of the map. NOTE: City = Cape Town. Map taken from The Squatter Problem in the Western Cape, SAIRR, April 1977



The International Defence and Aid Fund for Southern Africa

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

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STOP PRESS

On 12 September Steve Biko became the 24th victim to die in police custody since 1976.

Biko, president of the Black Peoples Convention and leader of the Black Consciousness movement, was detained on 19 August and held in Port Elizabeth. According to police, he began a hunger strike on 5 September and was taken to hospital; on 12 September he was transferred to Pretoria, where he died. (GN 14.9.77; FT 14.9.77)

CORRECTION

It was stated in FOCUS No. 9 p. 12 that the South African Congress of Trade Unions (SACTU) was banned in 1962. However the position is that SACTU has never been banned, although many of its office bearers have been both banned and imprisoned.