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TERRORISM ACT DETAINEES MALTREATED

Many detainees under the Terrorism Act in South Africa are being maltreated. New and disturbing evidence to indicate this has come to light in recent weeks. Also, the number of detainees appears to be on the increase, but little information about them is reaching the press or is being published.

Amongst the incidents indicating a pattern of brutal treatment of detainees are the following:

- The sudden death in detention in Durban of a 50-year old former ANC member Mr. Masobiya Joseph Mdluli (see next page for details).

- An application to the Supreme Court by the wife of another Durban detainee, Mr. Harold Nxasana, for an order that a doctor and the chief magistrate be permitted to see her husband and report to a judge. In her application on 15 April Mrs. Clotilda Nxasana said that she feared that her husband, who was arrested on 5 December (see *Focus* No.2 p.9), had been severely beaten and was paralysed. She had met a woman in April who said she had seen Mr. Nxasana with police in Masonic Grove police station and that he appeared to be unwell. The informant added that a policeman remarked that Nxasana had injured his spine and was being taken to a specialist for treatment. On 13 April the wife approached the Security Police to see her husband, but was refused by a policeman who said 'jocularly' that they had killed him.

In a preliminary reply the respondents, (the Minister of Justice & Commissioner of Police) said that Nxasana had been

visited by a magistrate on 7 April and was seen to be in good health. The hearing was adjourned to 22 April for the respondents to file replying affidavits. (*RDM* 16.4.76) Mr. Nxasana, also a former ANC member, was a leading official of the National Union of Textile Workers and is on the staff of the Institute of Industrial Education in Durban. Both he and Mdluli were imprisoned in 1967 under the Suppression of Communism Act and banned for two years in 1968.

- At least two former detainees are suing the Minister of Police for damages for alleged assaults by the Security Police while in detention. Mr Mzimkulu Gwentshe of East London, who was detained under the Terrorism Act from October 1974 to March 1975, is claiming R3,500 after being kicked and hit with karate blows during interrogation, and being made to stand with outstretched hands, for long periods. The court ordered him to reply to the Minister's request for further particulars. (*ST* 28.3.76) Shortly before he was detained, Gwentshe was banned for 5 years. (*GG* No.4416 4.10.74) Mr Petrus Tshabalala of Soweto, after his acquittal on a charge under the Terrorism Act, lodged a claim for damages for alleged assault while in custody at Mafeking. After this incident, he had spent 12 days in Klerksdorp Hospital before appearing in court — see also p.12. (*RDM* 11.3.76)

- In several other current or recent trials, witnesses and/or the accused have reported brutal treatment while in custody under the Terrorism Act. The cases include those of Molokeng and 6

other Africans (see p.10), Molobi (see *Focus* No.2 p.8, No.3 p.5), Bloem (No.3 p.5), and see also No.1 pp 1 & 2.

No reliable information is at present available about the numbers of those in detention. A common feature of the many current and recent trials under the Terrorism Act in that state witnesses are produced of whose arrest and detention under the Act no previous report has appeared. On 14 February the *Rand Daily Mail* reported that a total of 80 persons

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were being detained under the Act — 61 in South Africa, 19 in Namibia. But six days later the paper raised the total to "at least 88" after discovering that another 8 Africans had been detained in the Eastern Cape (*RDM 20.2.76*). A regional breakdown gives the following picture:

NATAL: In January it was reported that Mr. Hertzog Dube, chairman of the Kwa Dlangezwa branch of the Inkatha Ka Zulu Party had been detained at Empangeni and taken to Pietermaritzburg for questioning. The Chief of Natal Security Branch (Inland Division) disclosed that 25 other Africans were being held and that it would be 'some time' before the case came to court. (*S. Express 11.1.76*)

At the end of March it was estimated that at least 42 people were in detention in Natal. Most had been held since late in 1975 though others had been more recently arrested. (*RDM 29.3.76*)

Amongst the known detainees are the following:

— Mr. Griffiths Mxenge, an attorney and friend of the Mdluli family who had retained him in connection with the inquiry into Mdluli's death. Mxenge, who was arrested in Durban on 24 March, and whose arrest was confirmed by the Minister of Justice and Police in parlia-

ment (*CT 31.3.76*) was held under the 180-day law in the early 1960's and went on hunger strike in protest. In 1967 he was sentenced to 2 years' imprisonment under the Suppression of Communism Act for membership of the African National Congress, and on his release in 1969 he was banned under the same Act. In 1973 his ban was renewed for 5 years.

— Mr. Maqashu Leonard Mdingi, arrested on 5 December, was an organiser of the Pondoland Peoples Party in the Transkei election of 1963. Detained then, during the campaign, he was banned in May 1964 and the ban was renewed for 5 years in 1968. (*Daily News 25.3.76*)

— Mrs. Edna Mdingi, wife of the above, was also detained, on 23 March, and this was also confirmed in parliament. (*Daily News ibid; CT 31.3.76*)

— Joseph Mdluli (see separate story). Since his death it appears that his brother may also have been detained. (*RDM 25.3.76*)

— Matthews Meyiwa and Joshua Zulu, a former school principal, both of whom were sentenced to 8 years imprisonment in the Pietermaritzburg Supreme Court in 1964 under the Sabotage Act, were detained on 19 December 1975. (*Star 21.12.75*)

— Harold Nxasana (see above) and Judson Khuzwayo, 37, were both detained on 5 December (see *Focus No.2 p.9*). Khuzwayo, also a former political prison-

er, was released in February. (*RDM 20.2.76*)

EASTERN CAPE: On 20 February the *Rand Daily Mail* reported that at least 8 high school students in the Eastern Cape, mainly thought to be members of the South African Students Movements (SASM) a high school students body, had been arrested under the Act. Those whose names were known include:

— Mandisa Mti, of Zwelitsha, King-Williams-Town, convener of the Eastern Cape SASM branch, who was expelled from Thembalabantu High School last year;

— Don Qupe, of Fort Beaufort, student at Healdtown Institute;

— David Faas, of Port Elizabeth, student at Healdtown;

— Koko Mda, Healdtown student;

— Nkululeko Sinxo, of Middledrift;

— Nhlanhla Mnyanda, of King-Williams-Town;

— a student known as Vuyo, from Port Elizabeth. (*RDM 20.2.76*)

TRANSVAAL: Three youths previously detained, then charged under the Terrorism Act, are now back in detention again — J. Ramrock, W. Hamilton, and C. Weimers (for full details, see p.10). There are also several Africans detained in connection with the Molokeng case and other current or pending trials, but numbers are not known.

WHO KILLED JOSEPH MDLULI ?

On Thursday 18 March, about 11pm., security police called at the home of Mr. Masobiya Joseph Mdluli, 50, a Durban hawker. He was in bed, and he was led away wearing only a raincoat and a pair of slippers. The police later returned and searched the house, removing some letters, documents and clothes. On Saturday 20 March they returned again to tell Mrs. Lydia Mdluli, 49, that her husband was found dead in his cell on Friday night. (*ST 26.3.76*)

As soon as she heard the news Mrs. Mdluli asked to see the body, but permission was refused until the Monday. When she examined it at the mortuary on the Monday, she found it bruised, cut and swollen:

"A severe swelling stretched across his forehead, his lower lip was bruised and cut, and his stomach was dilated to twice its normal size. I lifted his head and saw two criss-cross cuts at the base of the skull near the back of the left ear. Watery substance was oozing from the wounds which measured from 3cm. to 5cm." (*Daily News, Durban 23.3.76*)

Mr. Mdluli, who was in good health at

the time of his arrest, was a former political prisoner: detained for 3 months in 1966, imprisoned thereafter for a year on two counts under the Suppression of Communism Act of furthering the aims of the banned African National Congress, banned for two years in 1968. His arrest, (allegedly under the Criminal Procedure Act, which allows only for 48-hours detention without trial) was apparently part of a wide police clamp-down on former ANC and/or SACTU members in Natal (see p.1 and *Focus No.2 p.9*).

On the same day that Mrs. Mdluli examined the body a post-mortem was conducted. According to early reports the post-mortem was carried out by a state pathologist and a professor of forensic medicine in the presence of a private pathologist, Dr. M.P. Chetty, retained by the lawyers of the Mdluli family. (*RDM 23.3.76, 2/7.4.76*) But these reports indicated that Dr. Chetty had been required to give an undertaking that he would not discuss the findings of the post-mortem with anybody — not even the widow or the lawyers — until the

inquest. The press commented critically on this unprecedented restriction, which was attributed by the official pathologist in Durban Dr. B.J. van Straaten to Professor I. Gordon, head of the Department of Forensic Medicine at Natal University. (Under the Inquest Act the state pathologist does not have the right to exclude from the post-mortem a pathologist retained by the next of kin). But it later emerged (*ST 18.4.76*) that Dr. Chetty had not been present at the post-mortem but was expected to reach his findings from material supplied to him. The family are now considering asking for the body to be exhumed for a new post-mortem.

The police have given no indication as to how Mdluli died. Brigadier A. Hansen, Port Natal's CID head, and Lt. Col. F.M.A. Steenkamp, chief of the Security Police in Durban, were both reported to be conducting inquiries. The silence of the police and the restrictions on Dr. Chetty caused concern to the family, which was further exacerbated by the detention under the Terrorism Act of the family's attorney, Mr. Griffiths Mxenge, the day after the post-mortem,

NAMIBIAN SHOW TRIAL NEARS ITS END

namibia

The trial of six individual members of SWAPO, charged under the Terrorism Act, opened on 16 February in Swakopmund Supreme Court as, ostensibly, an investigation into the assassination of Chief Filemon Elifas, Chief Minister of Ovamboland, in August 1975.* It was still proceeding towards the end of April, but by this time it had become clear that the "accused" on trial, rather than a number of individuals, was in effect the liberation movement. In its efforts to discredit SWAPO as a "terrorist" organisation, the State has resorted to police torture and intimidation of witness, distorted translations of Ovambo texts and tape recordings, and testimonies which bear no apparent relationship to the incidents detailed in the charges.

AARON MUCHIMBA, (31, SWAPO National Treasurer and organising Secretary), ANDREAS NANGOLO, (56, a shop-keeper), HENDRIK SHIKONGO, (31) RAUNA NAMBINGA, (a nurse in her early twenties) NAIMI NOMBOWO (18) and ANNA NGAIHONDJWA (also both nurses), are all charged with taking part in "terrorist activities aimed at overthrowing the lawful administration of South West Africa". The specific charges against Shikongo are that he provided transport for Chief Elifas's killers, and that he also entered the liquor store where the assassination took place, shortly beforehand, "to spy on the Chief Minister's whereabouts". Nangolo is alleged to have "habitually used" a blue landrover employed in the killing and

subsequently confiscated by the security forces after a gun battle in northern Ovamboland. Muchimba and the three women accused are all said to have supplied money and equipment to the liberation movement. In summarising the State's case on the opening day of the trial, the prosecutor, Mr. J. Jansen, said that the State would also attempt to prove that members of SWAPO had been sent overseas for training. (CT 17.2.76)

During the first week of the trial, a number of State witnesses were called to give evidence of the circumstances surrounding the shooting of Chief Elifas at a liquor store in Oshakati on the night of 16 August 1975. In his cross-examination, defence counsel, Dr. W.E. Cooper, told the court that an inspection *in loco* would become necessary as the case progressed. The trial was later adjourned for ten days to allow the defence team to visit Ovamboland, but a request from Dr. Cooper that the court as a whole should have an inspection to "get to the bottom of things", and to see for itself the "ridiculousness" of the testimony of some witnesses, was refused. (RDM 16.3.76, 18.3.76)

On 24, 25 and 26 February, evidence was taken from a number of nurses at Engela Hospital in Ovamboland, colleagues of the three women accused. They had been arrested by a force of South African soldiers in October 1975, and, like a number of other state witnesses, detained incommunicado and in some cases in solitary confinement throughout the

months preceding the trial. The testimony of two of the nurses began to reveal the torture and intimidation suffered by the detainees at the hands of the security police. Eva Maundengi described how she had been present at three meetings at the hospital when Usko Nambinga, the brother of Rauna Nambinga, had spoken about Namibia's liberation and had been given money for those who had fled over the border. She also said that she and the three accused had each crossed into Angola over the past year and met SWAPO soldiers. She then revealed that she had been questioned by the police before giving her evidence and told to keep to the statement she had given them. Her first statement to the police, she said, had been torn up. (RDM 26.2.76; WA 26.2.76)

Kauno Malua, another nurse, also said that she had made a statement which, because it failed to satisfy the police, had been torn up. She alleged in court that, following her arrest she had been strung from the ceiling of a room by a chain attached to her right wrist, for ten hours. After that she had made another statement to the police. Mr. Justice Strydom, presiding, said that he had noticed two black marks on her right wrist and the court was told that the matter would be investigated. (WA 27.2.76)

Another State witness, Victor Nkandi, provided further evidence of police

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*For the background and opening of the trial, see *Focus* No.2 p.2, No.3 p.11.

continued from p.2

and the apparent arrest of Mdluli's brother (see pp. 1&2). (RDM 25.3.76) A week later an African advocate instructed by Mr. Mxenge to handle the matter, Mr. T.L. Skweyiya, was ordered by the police to surrender his passport. (RDM 9.4.76)

On 12 April Mr. J.T. Kruger, Minister of Justice & Police, denied that there had been a police cover-up over the case and promised a full public inquest as soon as possible. He claimed that "the results of certain medical reports from Pretoria" were still being awaited. (RDM 13.4.76)

In the same interview Kruger confirmed and defended the detention of the Mdluli family's attorney Mr. Mxenge. He said: "I have no sympathy for Mr. Mxenge.

When I unbanned him about a year ago and allowed him to practice as an attorney, I gave him a very specific warning." He compared the seriousness of the case with that of Raymond Suttner.

Mr. Mdluli's funeral was held on 3 April, attended by about 1,000 mourners. Speakers included Norman Middleton, of the Coloured Labour Party; Mrs. Fatima Meer, president of the Black Women's Federation; David Gaza, director of the Umlazi Residents Association; Barney Dladla, former Kwa Zulu councillor; and Mrs. Winnie Mandela. Messages of condolence were received from SASO, the BPC and the Archbishop of Durban, Denis Hurley, who the following day told

a gathering of some 300 people in Durban Cathedral that black South Africans saw Mdluli as a martyr in the cause of liberation. The gathering called for a full judicial inquiry into the circumstances of Mr. Mdluli's death. (RDM 5.4.76)

By 23 March Mrs. Suzman had tabled questions in parliament about the matter, but three weeks later they had not yet been answered. Mdluli's death is apparently the 23rd known death in detention since the introduction of detention without trial in 1962.*

*For details of previous deaths see Hilda Bernstein: "South Africa - The Terrorism of Torture" (IDAF 1972) 54pp Price 30p.

brutality. He told the Court that he had been arrested by two police sergeants in September 1975 and taken to a place where he was chained up. He was made to stand in a corner while an investigating officer taunted him with being a "terrorist" and hit him until he lost consciousness. Water was thrown on his face to keep him awake for four days and nights. "A Police Colonel and Lieutenant G. Dippenaar, the investigating officer, then visited me and said I looked worried and asked me what was the matter," Nkandi said. "I did not answer them, as I was wearing a white shirt which was covered in blood and they could see for themselves." He was then taken to another place where he could hear people screaming and was told "he would scream like them unless he co-operated." "I gave them a statement because I was afraid and was told that they would hang me up if I didn't speak." Despite his ordeal, Nkandi refused to testify against the accused and was jailed for twelve months for contempt of court. Another State witness, Axel Johannes, was also sentenced to a year's imprisonment for refusing to give evidence. (WA 2.3.76; RDM 3.3.76)

In the third and fourth weeks of the trial, a number of witnesses were being produced by the prosecution to testify against SWAPO as an organization, its aims and objectives, methods and ideology. They included an unidentified Ovambo who had allegedly trained as a guerilla with SWAPO more than ten years previously, and two officers of the security police, Lt-Col. Willem Schoon and former captain Petrus Albertus Ferreira — the latter described as "an expert on SWAPO and its activities". Ferreira gave testimony of SWAPO's commitment to armed struggle and of the setting up of guerilla training camps in Zambia. He said that after a number of Ovambos had been trained in these camps, "a spate of murders and abductions by SWAPO" had followed in 1975. On 1 March tape-recorded SWAPO songs were played back to the court by the prosecutor, as evidence of SWAPO's "terrorist leaning". The translation of the songs from Ovambo into Afrikaans was subsequently challenged by the defence on the grounds that the usual word for "people" had in this instance been translated back as "terrorists". The word "land-mine", non-existent in Ovambo, also appeared in the transcription. (WA 2.3.76; RDM 18.3.76, WA 19.3.76)

In his cross-examination of Ferreira, Dr. Cooper drew on the experience of the churches to refute the pinning of a "terrorist" label on SWAPO. Ferreira was requested to read to the Court a memorandum, drawn up by a number of

churches in Ovamboland, giving the underlying reasons for the flight of Namibian refugees out of the country. It listed "the enforced carrying of identity cards bearing their fingerprints, which made people feel like criminals; a constitution forced on the people under which they could be flogged and tortured with electric current; claims that racial and ethnic segregation had only been strictly applied against blacks; and the oppressive powers of the police which had caused fear and hatred towards the police in South Africa instead of respect for them as a helper of the people." These were all reasons, Dr. Cooper said, for not "grossly oversimplifying matters" by "attributing all the problems in Ovamboland to SWAPO." (WA 6.4.76; RDM 6.4.76)

The first defence witnesses were called by Dr. Cooper and his team on 6 April, and by the time of the court's adjournment for the Easter weekend, four of the six accused had also been called to give evidence. Hendrik Shikongo, accused No.4, was cross-examined on 12 April. Questioned on the character and objectives of SWAPO, Shikongo told the court that "Peace and freedom are SWAPO's main goals. As I see it the people of Namibia are not free. The freedom we want is for everyone in the country to be free... and everyone must see one another as brothers... Everyone must see one another as a person in his own right and not ask what that person is." (RDM 13.4.76; WA 13.4.76)

The prosecution subsequently alleged that a conspiracy had existed in Ovamboland during 1975, to abduct a number of black political leaders, including Chief Elifas, his successor as Chief Minister of Ovamboland, Pastor K. Ndjoba, and Chief Clemens Kapuuu of the Herero. Mr. Jansen claimed that the conspirators had planned to take their captives to Zambia and there force them to broadcast "subversive propaganda" over Radio Zambia. He named the conspirators as a group of 7 men, including Aaron Muchimba, one of the accused, and Usko Nambinga, the brother of Rauna Nambinga, also accused. (WA 15.4.76)

Rauna Nambinga herself was called to give evidence on 14 and 15 April. She told the court that she had joined SWAPO in 1974 after attending a meeting that had stirred her. She found that "SWAPO rejected apartheid, the homelands concept and stood for a single unitary state with the principle of one man, one vote". She described how she had crossed into Angola with her brother and met and also distributed food and goods to people who had fled across the border from Ovamboland. She said that they had appeared in need of help and were unarmed, and had left Namibia, among other reasons,

to escape from the policy of apartheid, floggings and oppressions. Anna Nghai-hondjwa and Naimi Nombowo, who gave evidence on 15 April, are also alleged by the prosecution to have collected money for "SWAPO terrorists" in Angola. (WA 15.4.76; RDM 16.4.76)

In a press statement issued by its London office on 22 April, SWAPO has described the Swakopmund hearings as "the show trial to climax the reign of terror... At Swakopmund the South Africans' aim is to break SWAPO". Despite the use of torture and intimidation, a series of statements expressing clear support for SWAPO's aims and ideals have been heard in court from individual accused and state witnesses. These, and the action of other State witnesses in refusing to give evidence, suggest that the South African administration is unlikely to succeed in its aim. But under the Terrorism Act the accused face minimum sentences of 5 years, and the possibility of the death sentence. (SWAPO press statement L/4/76/23)

HOW WINDHOEK CITY COUNCIL GOT RID OF A "SOCIAL EVIL"

More than 200 people found themselves homeless and on the streets of Windhoek on 1 April, after their houses in Khomasdal, a Coloured suburb, had been razed to the ground on the orders of Windhoek City Council. Khomasdal, an area of tin shanties and makeshift huts, was owned by a private landlord, Mr. W.F. Bruwer, who extracted rents totalling R3,000 per month from his tenants. The hovels lacked sanitation and drainage facilities, and hygienic conditions were appalling. 15 residents are known to have died of gastro-enteritis in January 1976 alone.

In 1975, more than a year before Khomasdal was finally demolished, Windhoek City Council gave notice that the houses would have to be evacuated. The decision, however, seems to have been prompted more by fear of a threat to law and order than by concern for the health and welfare of residents. Speaking in a Council meeting on 31 March 1976, Windhoek's Mayor said that "gambling, liquor abuse, and other related social disruptions were the order of the day in the community occupying those hovels". "He reminded the Council of social agitation. That place lent itself to such feelings". It should therefore be razed to the ground.

The question of alternative housing provision does not appear to have taken up much of the Council's time. In 1975, it was decided to build 202 houses, making them available at 100% loans to Khomasdal residents. The Council, however, required a deposit of R300, and by the beginning of April 1976, when 84 houses had been completed, only four people had been able to take advantage of the offer. The remainder of those evicted were expected to make their own arrangements. Despite angry protests from residents outside the offices of the Municipality, the Town Clerk, Mr. A.C. Arnold, refused even to provide tents for the homeless, on the grounds that this would merely re-create a slum situation. (WA 31.3.76, 1/2.4.76)

WHITES PREPARE THEIR LAAGERS

White civilians in Namibia — particularly the 5,200-strong farming community — are treating the prospect of a stepped-up guerilla war on the country's northern borders seriously by tightening up their own personal security. Many farmers in northern Namibia are starting to equip their property with observation towers, security fencing and alarm systems, and there have been reports in the British press of mercenaries being recruited in London and elsewhere to work as security guards on farms near the Angolan border. Speaking at the end of February, Mr. A.H. du Plessis, the leader of the Nationalist Party in Namibia, warned that "those of us who know the terrain in the north will know it is physically impossible to put an end to the infiltration of terrorists into the country. We will have to prepare ourselves for that".

Precautions that have been taken by the police, army and administration include the issue of information and advice on how to deal with guerilla attacks, research into new types of early warning systems and other equipment, and appeals to farmers to join the Defence Force commandos. A series of public lectures was given in central and northern Namibia during March, for example, by Dr. Jan Kotze, a specialist from the South African Council for Industrial and Scientific Research, on counteracting "terrorism". He was accompanied by Brigadier D.R. Marais, the Officer Commanding the SWA Command.

Commerce and industry are also making their contribution to national security. A small group of prominent Windhoek businessmen have set up the "South-West Africa Anti-Terrorism Fund", to pay out rewards of R50,000 and more for information leading to the arrest and conviction of "terrorists". The fund has been set up with the blessing of the South African Minister of Justice, Mr. J. Kruger, and could well prove to be a warning of more severe penalties in the future for the offence of "assisting" guerillas. In Rhodesia, financial incentives for informers have gone hand in hand with an increasingly punitive approach towards persons convicted of giving food and shelter to guerillas or failing to report their presence.

The build-up of South African security forces in Namibia is, meanwhile, continuing. Namibia's railway system is currently coping with an unprecedented volume of traffic, partly due to substantial movements of troops and equipment around the country. As far as the defence of the northern border is concerned, the South African regime is seeking to

counteract unfavourable publicity by making judicious use of statements from the homeland administrations. A motion tabled by Pastor C. Ndjoba, Chief Minister of Ovamboland, calling on South Africa to continue to maintain "law and order" in northern Namibia and to protect the border with Angola, was unanimously adopted by the Turnhalle conference on 16 March. Such a resolution is evidently aimed at legitimising the operations of South African Defence Forces in the country. (CT 1.3.76; WA 24.2.76, 5.3.76, 17.3.76, 8/9.4.76, GN 16.3.76)

TOKEN DESEGREGATION "A FARCE"

Following a series of violent assaults on multiracial hotels in Windhoek by White vigilante groups (see *Focus No.3*), the general manager of South West Breweries Hotels, Mr. J.H. Ainhirn, has sent back to the administration the "international" signs awarded to three of his hotels — the Kaiserkrone, Grand and Hansa — describing them as a "farce". In a letter to Mr. Adolf Brinkman, Member of the Executive Committee charged with Hotels, Mr. Ainhirn said that the selective "international" gradings had simply caused trouble. By singling out certain hotels as legally entitled to serve all races, the signs had attracted the attention of "narrow-minded whites" who reacted to the removal of petty apartheid in a brutal and disorderly fashion. Incidents had taken place in his hotels which, Mr. Ainhirn said, "to say the least of it, had been nerve wracking". He accused the Nationalist Administration of failing to take any steps to educate the white community to accept the new situation, leaving SWB Hotels entirely alone to face the consequences of the new legislation and giving them no assistance whatsoever in countering the thug rule that had come about.

SWB Hotels is the biggest chain in Namibia, owning nine hotels in Windhoek, Walvis Bay, Swakopmund, Tsumeb and Otjiwarongo. In June 1975, it applied for permission to open all its hotels to all races, expecting, Mr. Ainhirn said, that the new "international" gradings would be awarded on a widespread basis. This had not happened. He said that since the black patrons who had started to use SWB's "international" hotels "have enjoyed the privileges previously denied them in an orderly fashion, and have given us no reason whatsoever for these privileges to be discontinued", SWB would continue to open its facilities to all races in defiance of government rules and regulations and without the doubtful privilege of "official" international gradings. (WA 12.3.76; RDM 12.3.76; Star 13.3.76)

This decision means, incidentally, that a large number of black delegates to the Turnhalle constitutional talks who have been staying in SWB's hotels are now doing so, strictly speaking, illegally. It also indicates a degree of dissatisfaction with Nationalist Party policies among both the German and English-speaking white communities in Namibia.

rhodesia ZIMBABWE

RECENT POLITICAL TRIALS: (A) CONVICTIONS

19 February: Salisbury High Court
CHARLES CHITEWA (20), of Nyamaropa Tribal Trust Land, was sentenced to 12 years imprisonment, (4 years of which was conditionally suspended for 5 years), on conviction of recruiting a juvenile and 20 others for guerilla training. It was alleged that the juvenile, aged 15, had written to Chitewa in July 1975 asking for advice as to how he and others from the Regina Coeli Mission could get across the border into Mozambique. Chitewa, who was a local ANC secretary, was said, with the help of a relative, to have provided directions, a map, and the name of a contact in Mozambique. (RH 20.2.76)

26 February
ROBERT MARUNGISA, (33), a resident of Mount Pleasant, Salisbury, and employed by a firm in Avondale, was sentenced to 18 years imprisonment on being found guilty of murder as an accomplice. According to the State, Marungisa had assisted a group of "terrorists" to murder a Mr. Mairos Nyamunda in the Mtoko Tribal Trust Land in September 1975, by pointing him out as a "sell-out". Passing sentence, the judge described the case as a borderline one between prison and the death penalty, insofar as Marungisa had "acted on the spur of the moment" and it was impossible to tell what his motives had been. (RH 27.2.76)

11 March: Salisbury High Court
WILSON KAMWENDE URURI and JOSIAH MASANGO were each sentenced to 20 years jail, and ARIOT CHIMPOPO to 16 years, on being found guilty of pointing out "collaborators" and "informers" to the guerillas. The trial, one of the longest for some time in the High Court, lasted 9 days. Much of the time was taken up by a "trial-within-a-trial" to investigate claims by the accused that they had been assaulted by the police in order to elicit statements. (RH 28.2.76, 12.3.76)

18 March: Salisbury High Court
PLAN GWEDE, a 20-year-old guerilla was sentenced to death on conviction of the murder of a white farmer, Mr. Peter Knight, at Tiripano Farm, Doma, in May 1975. He was further sentenced to 26

years imprisonment for committing an act of terrorism by shooting at a white tsetse control officer in the Vuti African Purchase Area in March 1975, and for possessing arms of war. His companion FANUEL CHINEMUNGU (21) received a 24-year prison sentence on the same charges. (see *Focus No.2*; RH 17.3.76, 19.3.76)

19 March: Salisbury Regional Court

Two married women from Umtali received prison sentences on conviction of aiding and abetting three girls to leave Rhodesia for guerilla training. ROSI VASHOO (32) from Devonshire Township, Umtali, was sentenced to 4 years imprisonment, 3 of which were suspended, while an unnamed 17-year-old received a 2-year conditionally suspended prison sentence. The two women were alleged to have helped girl pupils from Highfield Community School, who had arrived in Umtali by train, to cross the border into Mozambique. (RH 20.3.76)

26 March: Salisbury High Court

LUCKSON TIRIBOYI, a guerilla aged between 22 and 25, was sentenced to death on being found guilty of the murder of a Rhodesian soldier and of having arms of war. Tiriboyi had been wounded and captured following an engagement between security forces and guerillas in the

Shamva district in August 1975. The soldier, who was flying overhead in a helicopter, was killed by a bullet fired by another guerilla. Mr. Justice Macauley, drawing on the legal doctrine of "common purpose", found Tiriboyi to be responsible for the death as an accomplice. (RH 26/27.3.76)

At the end of March, an unnamed man aged about 25, was sentenced to 25 years imprisonment for committing an "act of terrorism". He was alleged to have been one of six Africans who had entered Rhodesia one night in July 1974 and abducted a villager. The victim was said to have been taken back to Mozambique and killed. The accused was arrested in Rhodesia a year later. (RH 31.3.76)

(B) APPEALS

KUREHWANDADA MUZHERI, sentenced to death in November 1975 for recruiting eight people for military training (see *Focus No.2*), was partly successful on appeal on 23 February. His sentence was commuted to 18 years imprisonment with labour. Muzheri (25) was a junior ANC official in Que Que district. (RH 24.2.76)

CHIREZI WAYENI, a 30-year-old guerilla sentenced to death in October 1975, (see *Focus No.2 p.12*), had his appeal dis-

missed. Wayeni was arrested following engagement with security forces in which he was seriously wounded. (RH 2.3.76)

On 2 March, an appeal by CHRISTOPHER NHIRI against the death sentence was also dismissed. Nhiri, a member of a guerilla group, had been captured after a battle with security forces in which two members of the Rhodesian African Rifles were killed. He was convicted of their murder on the doctrine of common purpose with the guerilla leader. (RH 3.3.76)

JOHN HLENGANI, a 65-year-old villager from Victoria Province, has also been turned down at the appeal stage. He was sentenced to death in October 1975 for allegedly taking three nephews across the border into Mozambique for military training (see *Focus No.2*; RH 6.3.76)

By mid-March, no decision had been reached on the appeal by REZA NYAMARUPA and IGNATIUS MOTO against the death sentence for killing three members of the security forces and possessing arms of war. They had been convicted along with ELLIOT DUBE (22), in November 1975 (see *Focus No.2 p.12*). Their ages, originally estimated at 17 and 18, were subsequently put at possibly only 15 and 17 by a Government dental officer. (RH 16.3.76)

MASS ARRESTS OF ZIMBABWEAN LEADERS

The Smith regime has reacted to the breakdown of settlement talks with the Nkomo wing of the African National Council by, on the one hand, renewing its efforts to promote the white-appointed tribal chiefs as the "real" leaders of Rhodesia's black majority, and, on the other, setting in motion a wave of arrests of ANC members and supporters. The funerals of two chiefs were recently given star coverage in the Rhodesian press, with feature article on their successors' significance and powers. Moves have been made to enhance the position of the chiefs in the parliamentary structure, and possibly to introduce a selected few, together with leading black businessmen, into Ministerial posts. Meanwhile, several hundred people are reported to have been arrested or detained, many of them following violent incidents in urban areas which have been officially attributed to rivalries between the Muzorewa and Nkomo wings of the ANC, but many others apparently without charge and for reasons connected solely with their political affiliations.

On 23 March, it was revealed that ARTHUR CHADZINGWA, former organising secretary of the ANC, had been

arrested in Rusape, a town 160 km east of Salisbury. He was reportedly to appear before magistrates on a charge under the Law and Order (Maintenance) Act, but the exact details were not given. Chadzingwa was only released from three years detention at the end of January 1976 and he then announced that he was joining the Nkomo wing of the ANC (see *FOCUS No.3*; RDM 24.3.76).

A few days later banning orders were issued against four top men in the Muzorewa wing of the ANC, prohibiting them from entering the Rhodesian Midlands for a period of three months. ENOS NKALA, acting deputy-secretary-general, REUBEN CYAMWEDA, national organising secretary, WILLIE MACHIKANO, youth secretary and MOTON MALIANGA, the national chairman, had been planning a series of "meet the people" rallies in the Midlands town of Gwelo, Que Que, Gatooma and Hartley. All the meetings were banned. (ST 28.3.76)

On Sunday 4 April, a total of 158 Africans were arrested by police in the farming town of Sinoia, north-west of Salisbury, for taking part in an illegal

meeting on the main Sinoia-Salisbury road. They included MOTON MALIANGA, said to be one of the speakers at the meeting, DR. EDWARD CHITATE, national secretary for education, and CLAUDIO ZHUWARARA, deputy secretary for youth. 13 other ANC officials were also arrested. 86 of those detained appeared in Sinoia Magistrates' Court the following day, charged under section 7 of the Law and Order (Maintenance) Act, which prohibits the holding of public meetings (more than 200 people) on Sundays or public holidays. On pleading guilty, they were each sentenced to a R\$40 fine, or 40 days in prison.

Similar charges were laid against Malianga, Chitate and Zhuwarara. Following two appearances at Sinoia Magistrates' Court on 6 and 12 April, at which they pleaded not guilty, their hearing was adjourned until 26 April for judgement. The three men were allowed bail, but the magistrate ordered that all relevant travel documents be surrendered until after the trial, to prevent them from leaving the country. (RDM 6/7.4.76; RH 7.4.76, 13.4.76)

Further police raids on the Muzorewa

wing of the ANC quickly followed. On 10 April, police searched the organisation's offices in Bulawayo, seized papers and documents, and detained Enos Nkala. No reason was given for his arrest. Over the next two days, at least 50 more Muzorewa supporters, many of them prominent local officials, were arrested up and down the country, apparently without charge. They include A. MWUMBE, the administrative secretary in Matabeleland, (arrested in Bulawayo); ARNOLD SAWANA, a member of the national executive, (arrested in Umtali); and EXCELIA MANDIZVIDZA, the wife of the secretary for commerce

and industry, Crispin Mandizvidza, who was in London at the time. Mrs. Mandizvidza was among a number of people detained in Victoria Province. (RDM 13.4.76; D.Tel 13.4.76)

Commenting on the arrests, the deputy president of the Muzorewa wing of the ANC, Dr. Elliott Gabellah, said that they were "obviously an attempt to make way for the government's preparations to bring the chiefs into the administration". In addition to these detained without charge, large numbers of people have been arrested in recent weeks and charged with public violence, following stoning and burning incidents

in which cars and other property have been destroyed. The disturbances have been blamed on factionalism within the ANC and official police warnings have been issued to representatives of both wings that violence on the part of their followers will not be tolerated. Regardless of the underlying causes, the regime will probably seek to make what political capital it can out of such incidents, by using them not only to discredit the nationalist movement but also as a "cover" for further arrests and detentions of African politicians and organisers. (RDM 13.4.76)

NEW CONTROLS ON AFRICANS

With 50% of Rhodesia's entire border — from the north east corner with Mozambique as far south as the Beit Bridge road and rail crossing to South Africa — now subject to guerilla incursions, and the strong possibility of a third front, centred on Wankie and Victoria Falls, being opened in the north-west, further stringent controls are being imposed on the movements of African civilians. A number of warnings have recently been issued by the authorities, reminding members of the public of the dusk-to-dawn curfew in force throughout the border zone and operational areas, particularly Tribal Trust and African Purchase Lands. Virtually every official communique, issued every few days by Security Force Headquarters, admits to one or more African civilians being shot or killed in the curfew zone. On 4 April, it was announced that "a civilian African was killed while attempting to flee after being challenged by security forces"; on 15 April, "two curfew-breakers have been killed by security forces". An IANA report of 26 March stated that 11 curfew-breakers had been shot in the border areas in the previous fortnight alone. (BBC 29.3.76, 8.4.76, 20.4.76)

In the protected and consolidated villages, conditions for the half million or so Africans who have been removed from their homes are becoming more regimented. Recruiting and training are now under way for the newly created Guard Force, due to take over administrative responsibility for protected villages in July 1976. The Force, which will ultimately number 1,000 men and comes under the Ministry of Defence, is being built up largely from Africans who have previously served in the police or the army. They are, it appears, soliders rather than administrators and are headed by a former Lieutenant-Colonel in the Rhodesian Army with experience, under the British, of counter-guerilla warfare

in Africa and Malaya. Putting men of the Guard Force in charge of the protected villages will also release white Ministry of Internal Affairs officials, and regular troops currently on sentry duty in some villages, for more active military service elsewhere. (SM 28.3.76; RDM 29.3.76)

Despite strict security on the part of the regime, information on the living conditions of the residents of protected villages has recently been published in the form of a report by Mathias Chitauru, Chairman of the Chiweshe Residents Association. 50,000 Africans in Chiweshe Tribal Trust Land, 65 km north of Salisbury, are being forced to live, according to the report, in overcrowded, insanitary conditions in which stomach troubles, diarrhoea and dysentery are rife. In one village 14 people, six of them children, died during the period 29 January to 3 March 1976, out of a total population of 300 to 400 families. (RDM 1.4.76;

Obs 4.4.76)

Evidence of the sadistic and brutal attitude adopted by the Rhodesian security forces towards African civilians in the operational areas has also been provided by a former school inspector who served for five years with the Rhodesian Ministry of African Education. His descriptions of assaults on teachers and pupils suspected of withholding information about guerillas in the Mtoko area of north-eastern Rhodesia, were published in the London *Sunday Times*. Mr. Waters was eventually forced to flee the country for Botswana after making numerous protests to his superiors. (ST. Lon 28.3.86)

Recent legislation enacted by the Smith regime will severely restrict the work of welfare agencies attempting to provide assistance to Africans in the operational areas. (The Chiweshe Residents Association, for example, is an organization of Chiweshe workers in Salisbury, acting on behalf of relatives in the protected villages). The Emergency Powers (Maintenance of Law and Order) Regulations 1976, published in a Government Notice on 19 March, empower the Minister to prohibit any welfare organization from making payments to residents of the operational area "when it is known or suspected that the money, or things bought with it, have been made available to terrorists". Their enforcement will be one step further towards cutting the protected villages off from contact with the outside world. (RDM 1.4.76; Obs 4.4.76; RH 20.3.76)

Plans have also been announced by the regime, in the shape of the National Registration Act 1976, to require all Rhodesian residents, regardless of race, to carry identity documents at all times and to produce them on demand on penalty of a R\$250 fine or 6 months imprisonment. The new Act, due to be introduced at the July Parliamentary session, will replace the existing Africans (Registration and Identification) Act. (RH 31.1.76, 3.4.76)



White soldier patrolling Mozambican border near Umtali (picture by Frits Eisenloeffel).

south africa

THE DEFIANT PEOPLE OF MAJENG

On 16 February 1976 ten African women, ranging in age from 30 to 60, appeared in a magistrates court in the northern Cape charged with trespass. They were convicted and sentenced to a fine of R30 or 60 days imprisonment. They elected to go to goal. "It is better to go to gaol," they said, "than to live at Vaalboschoek." (*RDM 18/19.2.76*)

Their offence was to leave the swampy area of Vaalboschoek to which they had been compulsorily moved in 1975, and which they found to be uninhabitable. Driven by ill-health, mosquitoes, and the death of children and livestock after heavy summer rains, which ruined crops and caused some of their makeshift dwellings to collapse, they returned to their original home area at Majeng where they had lived since the turn of the century. Undeterred by the arrest and imprisonment of the original ten, more followed. On 19 February 56 women and children were reported to have returned to Majeng. Two days later it was reported that the police had arrested 24 women and 18 children and taken them back to Vaalboschoek, 80 kms away. (*RDM 19/21.2.76*)

On 8 March the police arrested a further 27 women, ranging in age from 15 to 70, who were marching back to Majeng. When they appeared in court in Barkly West the magistrate persuaded the prosecution to drop the case because "a solution to the problem which landed them in court should be found." Press publicity and the fact that the issue was going to be raised in parliament may have induced this change of heart. (Also, defence counsel appeared on this occasion, unlike the initial case which was apparently undefended). (*RDM 9/12/18.3.76*)

In a press interview the magistrate referred to the "genuine problems" created by heavy rains at Vaalboschoek, in the "Bantu homeland" of Bophutha-Tswana (N. Cape/W. Transvaal). He claimed that the matter should be settled

between the women and the homeland authorities. Chief Lucas Mangope, Chief Minister of BophuthaTswana (which is next in line for independence after the Transkei in October 1976) said he had raised the matter in January with the Minister and found him sympathetic. But when questioned in parliament, the Deputy Minister of Bantu Development Dr. F. Hartzenberg gave no indication that alternative land to that at Vaalboschoek was being contemplated, and claimed that "water supply, sanitation and stormwater drainage (were) very satisfactory and under control." (*RDM 17.3.76*) Earlier reports had indicated that previously, after the rains, the area was so cut off that helicopters had to be used to supply the local shops with necessities until the roads were usable. (*RDM 18.2.76, 12.3.76*)

Behind this incident lies the story of an African community deprived of its traditional land by government decree and determined to fight for its own survival. The story first came to light in February 1975 when it was reported that police were "standing by to ensure the removal of some 2,000 Tswana tribesmen from their land near Taung, Northern Cape, into the Bophutha-Tswana homeland." (*CT 18.2.75*)

The 2,100 people concerned, comprising 676 families living together under their acting chief Geoffrey Moseki, at Majeng (Mayen), had been ordered by the State President to move to Vaalboschoek.

BACKGROUND TO THE CONFLICT

Orders of this sort, moving settled rural communities from one area to another, are a frequent occurrence. They form part of Pretoria's land consolidation programme which is intended to link up the scattered reserves and thereby reduce the number of territorial fragments into which most of the 'Bantu Homelands' are split. Black-occupied land in predominantly white-owned areas, and (much less common) white-owned pieces of land in predominantly black areas, are designated as black and white "spots" respectively and scheduled for elimination. The limits of this consolidation programme (not yet complete) have been firmly established by the Nationalist government as being the land laid down by the 1936 Native Land & Trust Act. When the distribution envisaged then is completed, the 'homelands' will comprise about 13½% of the country, with the rest being regarded as "white South Africa" in which Africans will have no political or property rights.* Because this limit is rigidly applied, the process of consolidation mostly entails for Africans the exchange of moderately productive, developed land

for barren and empty land. This was precisely the pattern for the people of Majeng.

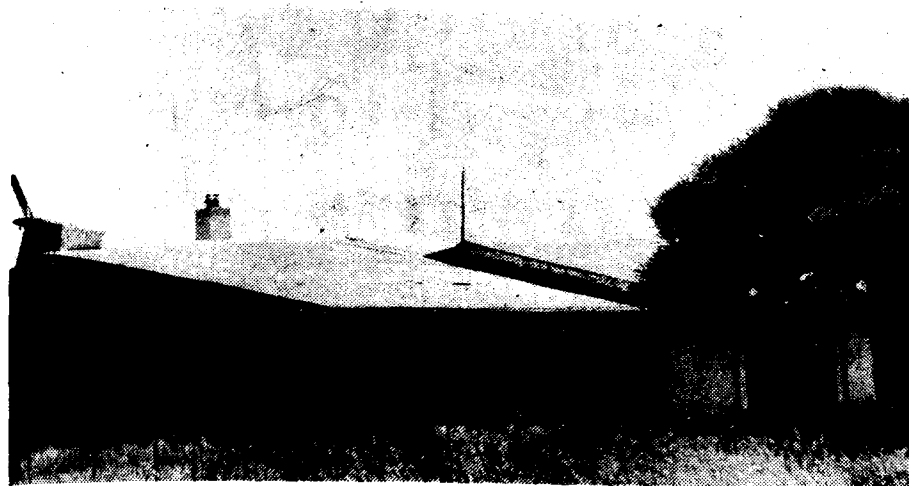
The pressure on them started in 1968, when Chief Moseki said that he was arrested for refusing to move and only released after 8 months awaiting trial. In 1971 a school of more than 6,000 pupils was closed down and the teachers and furniture taken to Vaalboschoek. The rest of the community still would not move. Chief Moseki alleged that old age pensions and disability grants were withdrawn, a promised clinic was withheld, and the people were stopped from ploughing their fields. (*RDM 19.2.75*)

The decision to move them was confirmed by a parliamentary committee in October 1974 as part of an extensive resettlement and consolidation plan. The committee is made up of white politicians and officials, and its main function is to look after the interests of white farmers and ensure that inconvenience to them is minimised while the Department of Bantu Administration implements the Bantustan blueprint. (*ST 16.2.75*)

The Department, aware that the land at Vaalboschoek is inferior to that at Majeng, offered the people 12,000 hectares in lieu of the 10,000 hectares they were being forced to leave. But Chief Moseki pointed out that there was less grazing than at Majeng, that the ground was stony and unsuitable for crops, and there was less water. The houses at Majeng were built of bricks, stones and mud. The 400 prefabricated dwellings erected at the other place were only three metres square and unsuitable for permanent family accommodation. The people would have to build new homes, at their own expense. At Majeng each family had a well; compensations for their houses and improvements there had not been discussed, he complained. His people would not move; if moved by force, he said, they would walk back to their land. (*ST 16.2.75; CT 18/19.2.75*)

To effect the move a squad of 100 policemen armed with machine guns and sticks assembled, together with numerous B.A.D. officials and government trucks. A police colonel ordered all pressmen and photographers out of the area. While the entire community prayed in the rain at the ancestral graveyard, the personal belongings of Chief Moseki and 3 other leading men were loaded on to trucks and taken away to Vaalboschoek. There, however, rising water had already caused the collapse of some of the alternative accommodation. (*RDM 20/21.2.75*) *A

*For full details of the "Bantu Homelands" and the resettlement programme, see Barbara Rogers: *Divide & Rule - South Africa's Bantustans* (IDAF, March 1976) 96pp. Map, illustrations. Price 60p.



Some 2,100 people have been forced to leave houses like these at Majeng (above) for huts like these at Vaalboschoek (below).



Chief Geoffrey Moseki together with his people.

young villager told the *Sunday Times* (23.2.75) that the homes of the 4 men were demolished as soon as the contents had been removed. At some stage the acting chief appears to have been deposed.

Taxed with the matter in parliament, the then Deputy Minister of Bantu Development Mr. A.J. Raubenheimer claimed that some families had moved voluntarily in 1970, and that the rest, "the peaceful, silent majority who are prepared to co-operate" were "placed under pressure, intimidated and victimized" by a "very small group of agitators in the ranks of these people." Announcing that the move had been temporarily postponed because of heavy rain, he said that "when the move takes place payment (of compensation) will be made at the 1970 valuation, but that immediately after the removal a new valuation will be made and the adjusted amounts will thereupon be paid out as soon as possible." (*Debates* 19.2.75)

He admitted that when he visited the area he saw that "the place to which these people are moving is vulnerable when heavy rains fall because water can rise in the area." Nevertheless a school and clinic had been established there and the move would be proceeded with as soon as conditions improved. (*Ibid.*)

The authorities resumed the removals in May, whereupon the community withdrew en masse into the bush and stayed there for 2 nights. The District Commandant of Kimberley Col. J.D. Krige went after them with 4 vanloads of police. Threatening them with charges of trespass, he said:

"If you want war, I am ready. And if you continue to refuse to go back to your homes I shall bring a helicopter to throw teargas at you. You will die of hunger and thirst here in the bush and each time any one of you tries to go for food or water you will be arrested."

Fearing that, in their absence, their livestock would stray, the people returned to Majeng, but still opposed the removal. (*RDM* 8/9/10.5.75)

It appears, however, that the removals continued, for a few days later it emerged that the people of Majeng were, in the course of the move, being split on tribal lines — Tswanas to Vaalboschoek, Nguni-speaking people to a place near Taung. One woman said she was fed up with the whole thing and that she and other Xhosas were going back to the Transkei rather than be forced to go to Taung. (*RDM* 14.5.75)

On 16 May the Minister of Bantu Administration indicated that the move had been effected and said it was a striking example of the methods used by his officials — "persuasion and cooperation." (*Debates* 16.5.75)

CURRENT POLITICAL TRIALS

MOLOKENG & OTHERS

The trial of Joseph Molokeng, 34, Andrew Moletsane, 23, Benjamin Msenjane, 25, Bheki Langa, 23, Amos Masondo, 22, David Nhlapo, 27, and Miss Phumza Dyantyi, 27, accused under the Terrorism Act of inciting 44 others to undergo military training for the purpose of sabotage and armed revolution (*see FOCUS No.3 p.4*) opened in March, and was still in progress at mid-April. Several state witnesses, who had been detained for varying periods since the initial arrests were made in August-September 1975, refused to give evidence and made legal history by asking for legal representation while in the witness box.

This development occurred after one of the first state witnesses, Jairus Kgokong 24, an ex-student and local SASO secretary, had been arrested in court after testifying that his statements to the police had not been made voluntarily but under duress and dictation.*

He had been detained on 21 October; his initial statement, claiming that SASO & BPC operated openly and peacefully was not accepted by the police. After several attempts he was told by the security police office in charge of the case, Capt. Cronwright, "If you don't write what I told you I'm going to break your neck into 24 little pieces". Cronwright assaulted Kgokong who later supplied a satisfactory statement and was released on 14 November. He managed to take and give to his lawyer a piece of paper on which were two paragraphs in Cronwright's handwriting which, he said, he had been told to include in his statement. After giving this evidence Kgokong was arrested. Cronwright's denial that he had assaulted the witness or any other detainee drew laughter in the court.

Captain Cronwright was also alleged by defence counsel to have "doctored" a confession by one of the accused, Mr. Amos Masondo. Under cross-examination Cronwright admitted altering the accused's statement, but said it was to provide a "guideline" for the accused. For example, Masondo described a visit he had made to the Hertzog Tower in Johannesburg (a popular tourist and sight-seeing attraction). Cronwright added the words: "for sabotage purposes." He later admitted that his "clarification" of passages of Masondo's statement relating to Black Consciousness and Marxism produced a result opposite to what the accused originally wrote. (*RDM 19.3.76*) The defence challenged the admissibility of the confession.

At the onset of the main case large crowds gathered outside the courtroom

in Johannesburg to greet the truck carrying the accused as it left court after the day's hearing. On 17 March the singing in support of the accused was described as "deafening".

The following day, 18 March, a crowd of about 1,000 gathered after the hearing, and obstructed a policeman when he tried to arrest a man (later identified as Kgokong, who had not yet been called as a state witness) who was distributing leaflets advertising a church service on behalf of political prisoners. Police reinforcements were called and the restive crowd dispersed in the direction of Johannesburg station, where it was soon afterwards swollen by home-going workers. The demonstrators chanted 'One man one vote' and pelted the police with stones and dustbins. Several people were arrested and order finally restored at about 8 pm. While the demonstration was in progress a pamphlet bomb exploded outside the *Rand Daily Mail* office, scattering pamphlets apparently issued by the banned African National Congress. Three days later 5 Africans were fined R30 for violent behaviour.

As a result of the disturbances, the trial was transferred to Pretoria where it reopened on 23 March with Kgokong's evidence. Kgokong said that he left the University of the North (Turfloop) in 1972 in protest against the unjust expulsion of a friend; he had joined SASO and the Black People's Convention in the same year. He said that they operated openly, working for change by peaceful means, but the police refused to accept this. He also said that since 1973 about 200 people had fled the country because of police harassment; "their leaving had nothing to do with military training," he added. (*RDM 24/25.3.76*)

Several other young Africans followed as state witnesses, claiming they had been recruited by Molotsane, Nhlapo and others to undergo military training abroad. One of these, Mr. Ivan Mokgotsi Matlapi, who was warned as an accomplice before testifying, described his activities as a member of the United Students' Body in Soweto and claimed that he later joined a cell which was preparing members to receive military training in

Tanzania. (*RDM 3.4.76*)

Following Kgokong's arrest two potential state witnesses asked for permission to consult lawyers before giving their evidence. The first of these was Lebogane Motlana, 20, a law student who asked to see a lawyer before undergoing cross-examination. Permission was granted, but when the court resumed after the weekend Motlana did not reappear and a warrant was issued for his arrest. Nine days later it was reported that Motlana, (whose father is a doctor in Soweto), had joined other refugees in Botswana. (*RDM 6/15.4.76*)

The next reluctant witness was Mr. Mosalo Nathaniel Mosogome who, despite a warning from the judge that he might be sentenced to a year's imprisonment, refused to take the oath and give evidence because he did not want to be 'part of the machinery' which might send his friends to jail. The court adjourned briefly to consider what action to take, and when it resumed Mr. Mosogome was not called again. (*RDM 2.4.76*)

The second witness to claim the right to legal representation was Mr. Mphakama Mbethe who had been detained under section 6 of the Terrorism Act for 195 days. A lawyer was standing by in the court on his behalf, and the judge adjourned the case to hear argument on the legal point whether a detainee under the Act is entitled to legal representation when called as a witness. The judge, Mr. Justice Irving Steyn, pointed out that under the Criminal Procedure Act a state witness was entitled to a legal representative in the court, but added that there was no precedent for it in South African law. (*RDM 8.4.76*) The case is proceeding.

HAMILTON, RAMROCK & WEIMERS

Three young men from Johannesburg who were originally charged in November after having been detained since February 1975 (*see Focus No.2, p.9*) were re-arrested immediately after the Terrorism Act charges against them were withdrawn on 15 March.

Weizman Hamilton, 21, Johnny Ramrock, 24, and Christopher Weimers, 21, all of Noordgezicht Coloured Township, had been on bail since being charged with conspiracy to bring about social, political and economic change by violent means. As they stepped out of the dock when the charges were withdrawn they were re-detained under the Terrorism Act. Later the Chief of the Security Police, Maj-Gen. Geldenhuys said new charges were being investigated and would take

*On 12 April Jairus Kgokong appeared in the Johannesburg magistrates court charged with perjury, attempting to defeat the ends of justice, and contravening the Official Secrets Act. An alternative charge was one of theft. Bail of R500 was allowed, subject to the condition that the accused reports twice daily to the Orlando police station. He had previously been remanded in custody. The case was postponed to 27 April. (*RDM 13.4.76*)

some weeks to complete. (RDM 16/18/19.3.76)

BLACK CONSCIOUSNESS TRIAL

The defence counsel application for the dropping of all charges against five of those accused in the trial under the Terrorism Act of nine SASO/BPC members (see *Focus No.3 p.5, No.2 pp.3-5*) was refused by the court on 23 March, but on the judge's instruction a number of charges were withdrawn.

The defence argued that the state had produced no evidence that SASO and BPC advocated violent change. A large number of documents had been 'thrown at the court indiscriminately' and the complicity of the accused had been assumed by implication.

In his judgement, which took a month to complete and was 100 pages long, Justice Boshoff found that on seven of the 13 charges there was no case to answer, but the rest still stood, including the main charge of conspiracy to bring about revolutionary change. Other charges retained included those relating to the pro-FRELIMO rallies in September 1974, and several against Saths Cooper, such as the distribution of pamphlets in Durban in 1972/73 and the organisation of a Sharpeville memorial meeting in 1973. Each of the accused still faces at least one charge.

At the end of March the defence began to lead its evidence. This will be reported in the next issue of *Focus*. (RDM 20/21/24.2.76, 24/30.3.76)

BLOEM ACQUITTED

The day after the trial of the young Johannesburg clerk, Trevor Bloem, opened on 17 February (see *FOCUS No.3, p.4*) the case was postponed at the prosecution's request. On resumption ten days later the judge found that the State had not proved its case under the Terrorism Act to the effect that Bloem had conspired with others to contact illegal organisations abroad and re-enter South Africa in order to commit sabotage, organise strikes or undertake other subversive action. The charges under the Suppression of Communism Act were dropped. Two witnesses who refused to give evidence against Bloem were jailed for a year (see *FOCUS No.3, p.5*).

Bloem had pleaded guilty to two minor charges, that of possessing a copy of the unlawful magazine *Sechaba*, and that of attempting to escape from police custody. His counsel submitted that four days after his arrest, after he had been interrogated, Bloem spontaneously made a dash out of an open door but did not resist when re-arrested. On this charge he was given a suspended sentence of 6 months' imprisonment. For the pos-

session of *Sechaba* he was fined R250, and for the possession of a pack of indecent playing cards, to which he had pleaded not guilty, he was also fined R250. (RDM 17/18/28.2.76)

MOSS AND 4 (EX-)STUDENTS

The indictment on which five members of NUSAS (see *FOCUS No.2, p.9*) were charged under the Suppression of Communism Act and the Unlawful Organisations Act was published in March, and the trial opened in the Johannesburg magistrates court on 1 April.

The accused are Glen Moss, 23, Charles Nupen, 25, Edward Webster, 33, a sociology lecturer, Paul Cedric de Beer, 23, and Karel Tip, 30, former president of NUSAS. The charges against them comprise one main count and three alternative counts. They relate to 10 acts allegedly committed by the accused between October 1973 and August 1974. They are accused of associating themselves with and conspiring to promote the policies of two banned organisations – the SA Communist Party and the African National Congress. Details of the charges relate to (1) the student-led campaign for the release of political prisoners mounted in 1974, in particular the planning of the campaign at a student seminar held at a hostel on a Cape apple farm in December 1973; (2) the organisation of various protests and public meetings, including some addressed by prominent public figures; (3) the distribution of "inflammatory pamphlets" and the quoting of banned persons in speeches and student publications. The accused pleaded not guilty.

The prosecution case opened with evidence from B.M. Hlapane, a former member of the Communist Party and the ANC until detained for a second time in 1964. He told the court about the activities of the ANC and the Congress of the People, including the publication of the Freedom Charter – which was reprinted in a copy of *Wits Student* dated May 1974. The defence pointed out that the Charter had also been printed in a book on the Rivonia trial written by Gerard Ludi, an ex-security policeman, which was where the text had been obtained. Captain M.B. van Niekerk of the Security Police admitted that the Freedom Charter was not an illegal document. The defence also commented that some of the events mentioned by Hlapane had taken place 20 years ago, when Glen Moss was three years old.

Hlapane's cross-examination, it was submitted, could not proceed without instructions from three prisoners now on Robben Island. Accordingly the defence applied to the Prisons Department for permission to interview Nelson Mandela.

Walter Sisulu and Govan Mbeki. Permission was initially granted but later withdrawn, with the Department claiming that the defence could ask its questions by correspondence instead, alleging that the three prisoners had been unwilling to give evidence in the past, and stating that evidence would have to be taken on a commission basis because they would not be allowed to come to court. The magistrate asked the prosecutor to approach the Prisons Department again. (RDM 10.4.76)

The next testimony dealt with events on the Witwatersrand University campus early in 1974. Two security police officers gave evidence of a raid on the Wits SRC office in January 1974 when documents written by Moss, Tip and Nupen had been seized. Letters to overseas students' unions had been intercepted by the post office and handed to the police. A film of a student march for the release of political prisoners was shown to the court but a police witness admitted that his identification of Moss as its leader was possibly mistaken. During a subsequent meeting on 30 May 1974 the security police had again raided the SRC office and de Beer was alleged to have encouraged the student crowd to prevent the police entering the office, which they had to do by force. Other evidence of meetings chaired by Moss was given.

One surprise witness was Dr. J.Z. Recsey, who left Hungary in 1948 after living under communist rule for three years, and who claimed that the Freedom Charter should not have been printed in *Wits Student* because it was "contrary to the democratic principles of South Africa". Questioned, he was unable to identify any particular points as undemocratic, and admitted that he was not an expert witness. Another witness was security policeman Gerhardus Horak, who had posed as a student for a year in order to spy and report on political activities. He detailed 11 meetings held at Wits between February and May 1974, at which a number of speakers representing most shades of South African opinion were heard. Speeches by a Namibian ex-political prisoner Gerson Vei (on 29 May) and Coloured Labour Party leader Sonny Leon (30 May) were clandestinely taped by Horak. On 30 May he had been present when police arrived to search the SRC office and had seen de Beer announcing the fact before a scuffle took place between police and students.

The case was adjourned to 21 April. The accused were granted bail; three of them were required to report to the police twice a week; the other two (Moss & Webster) have to report daily. An application for the relaxation of this condition was refused. (RDM 8/12.3.76, 2/3/6-10.4.76)

TSHABALALA ACQUITTED

Petrus Tshabalala, 25, a Soweto high school student, appeared in the Rand Supreme Court on 26 February charged under the Terrorism Act, and alternatively under the Suppression of Communism Act. He was alleged to have unlawfully influenced two friends, Mr. L. Madinga, 19, and Mr. P. Mahlangu, 23, to undergo military training in Sept./Oct. 1975. The case was adjourned to 8 March.

When it was resumed, the evidence revealed that the accused and his two friends had been arrested in November on the Botswana border, and taken to Mafeking. (There they were assaulted — see p.1) Both friends, after being warned as accomplices, testified for the State that together with the accused they had listened to broadcasts from Radio Zambia exhorting people to volunteer for military training. Madiya said that Tshabalala told him he would like to undergo such training in Zambia, and that the three of them agreed to go

for military training. Under cross-examination he agreed that the accused wanted to leave the country to train as an ordinary pilot, but said that in Mafeking when he mentioned this he was not believed.

The main security police witness in the case (Cronwright) and the judge (Steyn) were the same as in the Molokeng case (see p.10) Cronwright admitted that he knew that Tshabalala had spent 12 days in hospital after his arrest, but claimed he did not know the reason for it.

Defence counsel (Sidney Kentridge and George Bizos) applied for the discharge of the accused on the grounds that there was no evidence that he had incited the others to get military training. The judge accepted this, condemned the youths' plans as "foolish and grandiose" (the three had arrived at the border without passports or money) and acquitted the accused. (RDM 27.2.76, 10/11.3.76)

OTHER TRIALS

* **PETRUS NCHABALENG**, a former political prisoner, was found guilty under the Suppression of Communism Act of breaking his banning order (see *Focus* No.3 p.5). He had pleaded guilty to having written a letter to another banned person, Mr. Steven Dlamini, a former SA Congress of Trade Unions leader. The passing of sentence was postponed for 3 years. (RDM 7.4.76)

* **BETHUEL COKILE**, 41, a ticket examiner on the railways, pleaded not guilty to a charge under the Official Secrets Act in the Johannesburg magistrates court on 26 March. But he was convicted of an offence and fined R300 (or 6 months' imprisonment).

The state alleged that Cokile took another man to a military base in Zeerust and a radar installation in Ottoshoop (both in the Western Transvaal) and ordered him to make sketches of them. The sketches which were later handed to a Zambian embassy official in Botswana, were described by the commanding officers of the two establishments as being reasonably accurate. Publication of the sketches, it was claimed, was prejudicial to the interests of the Republic.

The accused admitted procuring the sketches but said he had intended a bluff aimed at

obtaining money from the Zambian officials; the scheme failed when they refused to accept the sketches. The court ruled, however, that Cokile had intended to get outside aid against S. African military installations. (CT & RDM 27.3.76)

* **PATRICK MAISELA**, 31, appeared in the Johannesburg Magistrates court on 8 April charged with an offence under the Terrorism Act. No evidence was led and the case was adjourned to 20 May. The accused was granted bail of R1,000. (RDM 9.4.76)

* **DONALD J. WOODS**, editor of the *Daily Despatch* in East London, pleaded not guilty to a charge under the Suppression of Communism Act of publishing an article by a banned person. He was reprimanded and discharged, and the publishing company was fined R200. The article, by Mr. Pumzile Majeke, was sent to the paper on October 7 last year. On 16 October Majeke was served with banning orders, and two days later the paper reported the fact. On 24 October the paper published Majeke's article, which criticised the government's "homeland" policies. At the time of publication notice of the ban had not yet appeared in the Government Gazette. An appeal is being noted. (RDM 5/13.3.76)



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Sources and abbreviations: "Africa" — monthly, London; BBC — British Broadcasting Corporation monitoring service; CT — Cape Times; Debates — House of Assembly, Cape Town, (Hansard); GG — Government Gazette, Pretoria; GN — Guardian, London; RDM — Rand Daily Mail, Johannesburg; RH — Rhodesia Herald, Salisbury; SAIRR — South African Institute of Race Relations; SM — Sunday Mail, Salisbury; ST — Sunday Times, Johannesburg; Star — The Star, Johannesburg (overseas weekly edition); Times — The Times, London; WA — Windhoek Advertiser.

BATON CHARGE BY POLICE

On 29 March police, with batons and dogs, attacked a crowd of about 600 people at Elandsfontein, Germiston, injuring some 14 persons. The attack came at the end of a meeting of workers from the Heinemann Electric factory, who had gathered early in the day to protest against the dismissal of 20 of their colleagues following a strike the previous week. The rest of the workforce had been sent home and told to re-apply for their jobs.

At first the meeting was orderly, the crowd being addressed by representatives of the Metal and Allied Workers Union. (It was the company's refusal to recognise the MAWU that had led to the strike). The trade unionists assented to a police command that people disperse by 10.30 am. As they began to move off, singing "Nkosi Sikeleli Afrika" and raising clenched fists, a policeman was heard to say in Afrikaans "These kaffirs are cheeky — let's get them".

"As people were walking away from the factory the police attacked with truncheons and dogs" said Mr. John Nsibanate, a packer with 14 years service at Heinemann Electric. "Lots of people were bitten, pregnant girls were hurt. I was hit on the shoulder and legs." Mr. Gavin Andersson, acting general secretary of the local MAWU branch, who had addressed the meeting, had his arm broken by police batons; he was also arrested and released on bail. The next day the police were again present in force as workers began returning to work. Four workers re-applying for employment were arrested and charged under the Riotous Assemblies Act and Bantu Labour Regulations Act. They were refused bail, on police application. All denied the charges. (RDM 30.3.76 — 3.4.76)