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FOCUS

RESERVE

on political repression in South Africa and Namibia

Detainees on hunger strike Support throughout South Africa

The campaign by detainees in South Africa for their release reached a new level in February as over 600 of them joined an indefinite hunger strike started on 23 January by 20 detainees at Diepkloof Prison in Johannesburg. This hunger strike was the culmination of various unsuccessful efforts by detainees to secure their freedom or improve their conditions since June 1986 when a State of Emergency was declared.

The earlier action by detainees included 36 hunger strikes as well as court applications to have their detention nullified, representations to the government through lawyers and petitions sent through various prison authorities. Over a hundred of those in detention in January had been held continuously since 1986. (NN 26.1.89)

Although there was originally a plan for the progressive escalation of the hunger strike, with 20 detainees joining each week, the repressive reaction of the prison authorities and the government resulted in a rapid increase in the number of detainees participating, and in the number of police stations and prisons affected. Within two months about 610 detainees had joined the action throughout the country. They sent open letters to the Minister of Law and Order outlining their demands. Central to these was the issue of their 'unjustified and prolonged detention without trial'. (South/ NN 26.1.89; Statement by Human Rights Commission 10.3.89)

Repressive response

The prison authorities reacted to the hunger strike by removing the original group of 20 hunger strikers to a remote part of Diepkloof Prison and depriving them of hot water. Some of the detainees in Pietermaritzburg New Prison were moved to various police stations in Natal in an attempt to break the strike, according to their lawyers. (NN 19.1.89; South 2.2.89; WM 3.3.89)

Medical attention was also withheld from some of those on hunger strike. On 6 February four detainees held at St Albans Prison in Port Elizabeth were in the prison hospital undergoing treatment for depression when the hunger strike started in that gaol. When they joined the action they were evicted from the prison hospital by the district surgeon, Dr de Kock, who said he was 'clearing this over-populated hospital' by remov-

ing those who were 'not sick enough'. (CT 15.2.89; WM 2.3.89)

Detainees reacted angrily to statements by the Minister of Law and Order that the hunger strike was 'orchestrated by the enemies of South Africa outside prisons'. The allegation provoked further hunger-strike actions in other areas.

The emergency detainees were joined by 18 detainees held in terms of the Internal Security Act which provides for indefinite detention, incommunicado and in solitary confinement.

In a statement these detainees, held at John Vorster Square, said: 'We are subjected to a systematic mental torture calculated to render us nervous wrecks . . . we are left to sleep all those hours of confinement on a cold concrete floor without any mattress . . . no instigator from outside is needed to tell us to act.' (GN 10/12.2.89; S 23.2.89)

At first the prison authorities attempted to conceal the conditions and actions of the detainees. But this failed when the health of the original group deteriorated and they were taken to hospital. The resulting alarm on the part of the national and international public forced a change of strategy from the regime which could no longer conceal the fact that hunger strikes were taking place. (CP 5.2.89; Star 13.2.89)

Doctors at hospitals sent back to prison a number of detainees in Port Elizabeth and Johannesburg because they allegedly refused to eat. At least one detainee, Lawrence BAYANA, was only offered treatment on condition he started eating. There were reports of some family members being denied permission by police to visit their relatives in hospitals. A district surgeon in Pietermaritzburg refused to grant a lawyer access to his client who was in hospital, until the lawyer threatened legal action. Very few of those who had been taken to hospital were among those released at the end of February. (WM 10.2.89; FT 11.2.89; CP

12.2.89; MS 22.2.89)

The detainees' action provoked a variety of solidarity activities in South Africa and the rest of the world. Forty-two lawyers representing some of the detainees embarked on a 48-hour fast in solidarity with their clients. Their action ended with a public meeting on 11 February attended by about 250 people in defiance of a government ban on all public events in support of detainees. The ban, imposed only a day before the meeting, led to the cancellation of some meetings, but failed to stop other supportive action by the public. (S 10.2.89; Star 13.2.89)

Archbishop Stephen Naidoo of the Catholic Church led a 12-hour fast and vigil in Cape Town and announced that a weekly church service would be held until National Detainees Day on 12 March. On 14 February the President of the World Alliance of Reformed Churches, Dr Allan Boesak, started an indefinite hunger strike and wrote an open letter to the Minister of Law and Order. On the same day Archbishop Tutu convened a special meeting of 80 clergy and laity after which he announced his decision to fast for three days each week. He invited all Anglicans to join him in this action. A solidarity meeting of 1,500 people was held in Cape Town's Central Methodist Church in support of detainees and their families. (BBC 14.2.89; T 15.2.89)

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BANS & RESTRICTIONS

'Five hundred restricted since 1986'

The South African regime is making increasing use of emergency powers to silence activists by restricting them. Although the government has been forced by national and international protest to release detainees, it has continued its repressive activities against them by other means, including restrictions.

In January, the Human Rights Commission estimated that 500 people had been restricted since the declaration of a State of Emergency in June 1986. (*Star* 23.1.89)

A high proportion of those restricted were ex-detainees, served with orders immediately on their release. The Minister of Law and Order has said that during 1988 135 ex-detainees were restricted. The Detainees' Parents Support Committee said that the year before the figure was 69. Most of the detainees released following hunger strikes in the first months of 1989 were restricted (*see Detainees on hunger strike*). Exact numbers of restricted people are not known as the Minister of Law and Order is not obliged to name those affected or to give details of the orders. (*DPSC Report* 31.1.88; *GG* 10.6.88; *CT* 15.2.89; *Ind* 2.3.89)

The procedure for restricting individuals under the emergency regulations by-passes the courts. The Minister of Law and Order determines who is to be restricted and applications to have orders withdrawn or their terms relaxed

are made to him. Generally, he has been unresponsive to such appeals. (*FOCUS* 79 p.11; *Star* 21.2.89)

Restrictions differ in detail from case to case. But the orders often limit a person to a particular magisterial district; prohibit participation in the activities of specified organisations and communication with the media; and impose dusk-to-dawn house arrest. Inevitably the orders have a dramatic effect.

For some people, like Gugile NKWINTI and Joyce MASHAMBA, their restrictions prevent them living at home. Nkwinti's home is in Port Alfred, but he is restricted to Port Elizabeth. Mashamba has not lived with her husband George since 1976 when they were both imprisoned for ANC activities. She was released in 1981 but by the time his sentence expired in 1986 she had been detained under the Emergency. When freed in January 1989 she was restricted and required to report daily to the police in Mankweng, northern Transvaal, although her husband now lives and works in Johannesburg.

For others, the restrictions effectively prevent them returning to their previous employment. For example, Zwelakhe SISULU, former editor of *New Nation* is prohibited from preparing any material for publication, Joyce MABUDAF-HASI, who prior to her detention was a librarian at the University of the North, may not enter educational premises. (*Star* 23.1.89; 3.2.89)

Restrictions

Additional to previous Focus lists:

March 1988

MACHITJE, Zachius *Rathanda CA*
MALEBO, Gregory *East Rand UDF*
MAPHEKULA, Vulindlela *KwaThema YCO*

MOKONE, Andrew *KwaThema YCO*
RADEBE, John *Duduza CA*

June 1988

LEBESE, Sandy *Mamelodi YCO/CA*
SELOANE, Michael *Mamelodi YCO/CA*

July 1988

DAMANE, Themba *AZAYO/SM*
JACOBS, Whitey *Mzonke Cape YCO*
KHUMALO, Pule *AZAYO/SM*
MAGWAZA, Oupa *AZAYO/SM*
MANUEL, Trevor *Secretary UDF*
MODISANE, Sello *AZAYO/SM*
MOFOKENG, Glad *AZAYO/SM*
MONTIEDI, Spencer *AZAYO/SM*
MTHEMBU, Phillip *AZAYO/SM*
PHILLIMON, Leonard *AZAYO/SM*
QUMBELA, Mountain *UDF W Cape Exec*

RASSOOL, Ebrahim *UDF W Cape Exec*

SITHOLE, Dumile *AZAYO/SM*
ZAMA, George *AZAYO/SM*

Abbreviations: AZAYO/SM — Azanian Youth Organisation and Azanian Students' Movement; RA — Residents' Association; UDF — United Democratic Front; YCO — Youth Congress.

Hunger Strike

from p.1.

Parents of the hunger-striking detainees formed a committee in Johannesburg in February and sent a letter to a meeting of Commonwealth Foreign Ministers in Harare, appealing for their intervention. Later that month they addressed a meeting in Cape Town organised by the Kagiso Trust and attended by 20 diplomats, where they requested them to urge their governments to intervene. They later had a meeting with the Minister of Law and Order, and then addressed a rally of 4,000 people at the University of the Western Cape. (*NN* 9/16.2.89; *CT* 16.2.89)

Over 300 people joined a march to the police headquarters in Johannesburg organised by the Congress of South African Trade Unions (COSATU). Police used batons and teargas to disperse the marchers. They also confiscated films from a photographer covering the event. COSATU had earlier called on employers to take a stand to demonstrate their opposition to the system of detention without trial. About 300 doctors, 600 nurses and hundreds of workers held a solidarity fast for an unspecified period

in the Eastern Cape. (*BBC* 18.2.89)

Some convicted and awaiting-trial prisoners also embarked on solidarity fasts. The lawyer of Barbara Hogan, who is serving a 10-year sentence for treason (*see FOCUS* 44 p.7), reported that she had decided to join the hunger strikers for 48 hours. Unconfirmed reports indicated similar actions by some prisoners on Robben Island. A group of people facing trial in the case of Yengeni and Others on charges of 'terrorism' and membership of the ANC, announced a decision to embark on a 48-hour hunger strike in support of the detainees. (*CT* 13.2.89; *BBC* 20.2.89; *S* 1.3.89)

Students and staff at universities and schools joined the protests. On 15 February about 300 medical students from the University of Natal embarked on a 48-hour fast while the Vice Chancellor of the University of the Western Cape, Professor Jakes GERWEL, led a seven-day fast at the university on 16 February. Presidents of Students Representative Councils at six universities embarked on a six-day solidarity fast the same day. In Soweto a number of students from various schools boycotted classes in protest. Hundreds of school students in Cape Town attended a service in March

held at St George's Cathedral. On 16 February members of 32 organisations in Natal responded to a call by the Natal Indian Congress to hold a solidarity fast. (*NN* 16.2.89; *CT* 16.2.89)

Minister's promise

Under pressure from the spread of the hunger strike and public indignation, the Minister of Law and Order agreed to meet lawyers, church leaders and parents of the detainees. On 16 February he gave an undertaking to the lawyers to examine the cases of detainees. The Minister promised a delegation of church leaders on 16 February that a substantial number of detainees would be released within two weeks.

By the end of March it was clear that the struggle between the detainees and the government was not over. Although the government claimed that nearly 600 release orders had been issued, since 16 February, independent monitoring groups confirmed that just over 300 detainees were freed by the end of March. Anger at the failure of the Minister to release as many detainees as he had promised led to a resurgence of solidarity actions throughout the country.

DETENTIONS

Deaths in custody

Patrick 'Decks' DAKUSE, 36, who disappeared on 17 January was shot dead by police on 23 January. According to the police he allegedly tried to prime a hand grenade he had taken from an arms cache.

Although the police claimed that they charged Dakuse three days after his detention on 17 January, neither his family nor his lawyer were informed about his detention, where he was held or of his forthcoming trial. According to the police, Dakuse told them about the arms

cache in Khayelitsha during interrogation. His lawyer described the circumstances surrounding his death as a mystery. An alleged ANC guerrilla was shot in similar circumstances near Cape Town in March 1987. (FOCUS 70 p.11; GN 25.1.89; South 26.1.89)

The inquest into the death in detention on 22 December 1986 of Simon Matanzima MARULE, 20, which resumed in November 1987, concluded in March that nobody could be held responsible for his death. (FOCUS 75 p.4)

Marule, who had been in detention for six months, died of a kidney disease 24 hours after being taken to hospital from Modderbee Prison. Lawyers acting for the family were seeking to establish

whether Marule's death was inevitable or was hastened by an act or omission on the part of his captors. They won a Supreme Court appeal in October to hear evidence from the District Surgeon who treated him during his illness. The appeal followed the refusal by the magistrate hearing the inquest to call for evidence from Dr Steyn, the District Surgeon who examined Marule during his detention. After hearing the District Surgeon's evidence, the lawyers argued that Marule's death could have been prevented if his disease had been detected earlier by means of routine tests carried out during medical examination. (FOCUS 75 p.4; Star 21.10.88, 6.3.89)

Detainees — Additional to previous FOCUS lists

Approx. date	Place	Name (age)	Details (where known)
Early 1988	Venda	MABASO, Wellington	{Following shoot-out in which two soldiers died. {Escaped from prison 28.1.89 after being charged Redetained. Charged in relation to armed struggle (FOCUS 79 p.5)
Early 1988	Venda	SEKGALE, James	
March 1988	Nuanetsi	RAVHANDELANI, Peter	
28.12.88	Duncan Village	MAPISA, Ryan Buyisile	NSA. General Secretary ACCDA. Released by 11.1.89
Rep.1.1.89	East Rand & Soweto	Six unnamed people	
3.1.89	Mount Frere	BAM, Sivuyile	TPSA
10.1.89	Soweto	Seven unnamed people	ISA 29. Shoot-out in Soweto in which a youth died
Rep.19.1.89	Tembisa	LETSOALA, Calvin	ISA 29. NECC, Tembisa Chairperson
24.1.89	Khayelitsha	DAKUSE, Patrick 'Decks' (36)	ISA 29. Shot dead by police (see Deaths in Custody)
Rep.19.2.89	Zeerust	SEWELA, Gladstone (24)	Allegedly hanged himself day after release by Bophuthatswana police on 22.12.88
20.2.89	Khayelitsha	Four unnamed people	ISA 29. Alleged guerrilla in police raid on house
21.2.89	Guguletu	BALFOUR, Ngconde	ISA 29. Western Cape Council of Churches Fieldworker
21.2.89	Guguletu	LOUW, Leonard	ISA 29. Detained with Balfour and Twalo
21.2.89	Guguletu	TWALO, Robert	ISA 29. Five-year-old son and wife released after a day
4.3.89	Magaliesberg	Five unnamed people	ISA 29. Alleged PAC guerrillas — Four arrested at roadblock

Emergency Detainees in the Transvaal

Listed below are some of those who were detained under the emergency regulations in the period since June 1986, and who were reported to be in detention when the detainees' hunger strike began in January this year

Detained during 1986

- KITIME, Aubrey (24) *From Alexandra Rel 3.3.89*
- MAHLALA, Frans *Northern Transvaal YCO*
- MAKGALEMELA, Joseph (26) *Alexandra YCO Rel 6.3.89*
- MAKUNYANE, Thabo Lucas *UDF N Tvl Vice-Pres Rel 6.3.89*
- MALOBANE, John (24) *Alexandra YCO Rel 24.2.89*
- MASENAMELA, Samuel *Mamelodi YCO*
- MATHAFU, Joseph Robert (21) *Kagiso YCO Rel 14.2.89*
- MATHALE, Cassel *Northern Transvaal YCO*
- MATHOLE, Paul (18) *From Pietersburg*
- MATHOTE, Kucky Mapho *From Alexandra Rel 23.3.89*
- MATSHATILE, Paul (26) *Alexandra YCO Rel 9.3.89*
- MNGUNI, Louis *UDF N Tvl Pres., Mankweng CA Rel 10.3.89*
- MODIBA, Samuel Marks (24) *Alexandra YCO Rel 9.3.89*
- MOHOLO, Daniel Jabulant (23) *AZAPO Rel 9.3.89*
- MONAKEDI, Dewet *DESCOM*
- MONTSHIWA, Isaac Pogiso (20) *AZAYO*
- MQITHI, Phillip Manikee (19) *AZAYO Rel 24.3.89*
- MTSHALI, Jacob (27) *Alexandra YCO Secretary*
- MTSHALI, Josiah Mandla (27) *AZAPO*
- NCHABELENG, Alleck *CRIC*
- NKOSI, Sidney Julius (23) *From Alexandra Rel 9.3.89*
- PANZA, Johannes (20) *From Krugersdorp*

- SEHLAPELO, Jonas *Leandra YCO*
- THEKISO, Pitso Job (21) *AZAYO Rel 9.3.89*
- WESSELS, David Professor (23) *Alexandra CA Rel 6.3.89*

Detained during 1987

- LEKALAKALA, Benjamin (27) *From Alexandra Rel 3.3.89*
- LUPHUNYA, Pat *Soweto CA General Secretary*
- MABENA, Richard *From West Rand Rel 4.2.89*
- MADONSELA, Keith M. (23) *Alexandra YCO*
- MADONSELA, Malcolm (20) *Alexandra YCO Rel 6.3.89*
- MALINDI, Paulos Sello (19) *AZASM Rel 14.2.89*
- MAMABOLO, Samuel Stimpu (27)
- MANDELA, Zola (26) *Soweto YCO, NEUSA*
- MASWEU, San Tumelo *From West Rand Rel 14.2.89*
- MOGASE, Isaac Daniel (57) *Soweto CA Rel 24.2.89*
- MONTSITSI, Dan (30) *Soweto YCO, Soweto CA Rel 17.2.89*
- MPHELA, Blessing Andrew (30) *SANSCO Rel 6.3.89*
- NGOPE, Nesto Nation (26) *Alexandra YCO Rel 20.2.89*
- NGWENDEZI, Norman (30) *Soweto YCO, Soweto CA Rel 23.2.89*
- NKOMFE, Mandla (26) *Soweto YCO, Soweto CA*
- RALEGOMA, Michael (29) *Soweto YCO, Soweto CA Rel 2.2.89*

ABBREVIATIONS

LAWS: ER — Emergency Regulations; ISA — Internal Security Act; NISA — National Internal Security Act; TPSA — Transkei Public Safety Act
 ORGANISATIONS: ACCDA — African Culture and Community Development Association AZAPO — Azanian People's Organisation; AZASM — Azanian Students' Movement; AZAYO — Azanian Youth Organisation; CA — Civic Association; CRIC — Community Resource and Information centre; DESCOM — Detainees Support Committee; NEUSA — National Education Union of South Africa; SANSCO — South African National Students Congress; SCA — Soweto Civic Association; SCO — Students Congress; YCO — Youth Congress

CISKEI BANTUSTAN

Communities resist incorporation

Divisions expose police violence and murder

Tension and divisions within Ciskei bantustan structures have exposed both the instability of the bantustan and the involvement of police, army and political figures in atrocities. Opposition has manifested itself in a number of ways, in particular in resistance by communities to incorporation into the bantustan.

Resistance to incorporation

On 12 August the South African regime introduced the Borders of Particular States Extension Amendment Act which, among other things, incorporated three villages in Peelton into the Ciskei. Residents of Nkqonkqweni, Thambo and Kwarini in East Peelton, who had been resisting incorporation into the Ciskei bantustan since 1981, had formed the Peelton Residents Association (PRA) in May to co-ordinate their opposition to the move. They collected 2,000 signatures in a petition to the Minister of Education and Development expressing their wish not to be incorporated. (DD 17/19.5.88, 2.6.88; NN 1.9.88)

The passage of the legislation was followed by a concerted campaign of terror and violence by the bantustan police and army. In August, following the detention of 26 people, residents obtained a court interdict restraining police from assaulting, harassing or forcibly removing them from the area. In November they filed an application with the Ciskei Supreme Court in which they sought to deny the bantustan authority control over the area. In the application they reported that on 27 August they were assaulted by police using sjamboks and that police arbitrarily detained and interrogated members of the community. (DD 30.8.88; CT 31.8.88, 3.11.88; NN 1.9.88; South 24.11.88)

On 26 October police launched a house-to-house search of the villages and arrested 53 people for not paying taxes. Some were sentenced to 30-day terms of imprisonment or fined R80. In January this year bantustan police and soldiers assaulted eight residents in their homes. According to statements made to a lawyer, soldiers forced two women, Nomthandazo BEJE (25) and Thandiwe MBAWULE (21), to strip naked and do physical exercises while they beamed the headlights of an army truck on them. (DD 27.10.88, 30.12.88, 11/12.1.89; CP 6.11.88; CT 5.1.89)

Similar methods were used by the bantustan authorities to quell resistance by a community which was forcibly removed from Blue Rock squatter settlement in 1983 to Potsdam in the Ciskei bantustan. In 1987 about 2,000 residents fled from the bantustan to Fort Jackson where they erected shacks by the roadside. They were forced back to Potsdam where they were harassed by police and vigilantes. In September, the Ciskei Su-

preme Court turned down an application for an order restraining vigilantes from assaulting residents, because the first applicant failed to attend the hearing. The hearing was followed by renewed attacks. In January, police surrounded the meeting hall in Potsdam, detained all the men attending a meeting and told the women to disperse. (CP 29.1.89)

State violence

Evidence in the case of William Matsheketa, the Zwelitsha representative in the bantustan assembly, and 56 other people, exposed links between the bantustan authorities and vigilante activities. A group known as 'Amafanankosi', led by Matsheketa and reporting to a committee of four chaired by Ray Mali, at one time a member of the bantustan 'cabinet', operated from 1985. The vigilante group, which operated from a farm owned by the bantustan authority, was using its transport and was also receiving money from the bantustan ruling party. Another member of the bantustan assembly, Nomakhosazana Gonya, testified that she was informed that the bantustan leader, Lennox Sebe, had instructed Matsheketa to establish the group, which carried out a reign of terror in Zwelitsha. (WM 15.4.88; NN 17.4.88; SS 20.4.88)

Opponents of the bantustan system continued to be targets of police violence, and attempted assassinations and attacks on their properties. In August last year, soldiers were reported to have randomly sjambokked people. In the Ciskei Supreme Court three bantustan policemen were accused of killing Wiseman MANYEWA on 31 July by shooting him and assaulting him with a blunt instrument in a house in Mdantsane. Ryan Buyisile MAPISA, Secretary of the UDF-affiliated African Culture and Community Development Association, was dragged and assaulted in front of his family by seven men who claimed to be policemen. Inquiries into his whereabouts were answered by denials by the bantustan police that they ever held him, until he was released two weeks later. (DD 5.3.88, 21.9.88, 26.1.89; NN 4.8.88, 12.1.89; Ind 27.12.88; Star 28.12.88;)

Mntonga: killed in detention

Divisions within the bantustan police exposed their violence and methods of treatment of political detainees in a case arising out of the death of Eric Mxolisi

Mntonga (35). Five bantustan policemen were charged with the murder of Mntonga, who was the regional co-ordinator of the Institute for Democratic Alternatives for South Africa (IDASA).

There were attempts to conceal the nature of his death, but it emerged during the trial that Mntonga, former branch secretary of the South African Allied Workers Union (SAAWU) as well as a prominent member of the United Democratic Front (UDF) and the Mdantsane Committee of Ten which co-ordinated the bus boycott of 1983, died in detention on 24 July 1987. He died of head injuries and had 25 other injuries as well as wounds in the chest inflicted after his death.

His body was found the following day lying next to his car alongside the road near Tamara village. An inquest into his death which was held without the knowledge of his next of kin concluded that his death was caused by unknown people. (DD 26.8.88; WM 16.9.88)

In September 1988 the Director of IDASA, Alex Boraine, wrote a letter to the bantustan leader after receiving information from within the bantustan police force identifying a number of policemen involved in the killing of Mntonga. Six policemen were arrested and charged with his murder. They included the head of the bantustan Security Branch, Phakamile Mountain Nganga, and the second-in-command of the Elite Unit, Zandisile Ngwanya.

Evidence against the policemen revealed that Mntonga was detained on 24 July at Mdantsane police station where he was subjected to gruesome torture during interrogation by 15 policemen.

State evidence alleged that when the policemen realised that Mntonga was dead they locked the body in an office and made plans to dispose of it. In the evening the body was stabbed in the chest to give the impression that Mntonga had been attacked. His body and car were later taken to a quiet road near Tamara where they were dumped. A number of those accused had previously been mentioned in the torture of other political detainees in the bantustan. (South 15/29.9.88; SS 21.9.88; DD 27.9.88, 15.10.88)

In passing its verdict, the Ciskei Supreme Court found that Mntonga died in Mdantsane Police Station after 'he was subjected for some considerable time to harsh and vicious assault'. All six policemen were found guilty of murdering him and sentenced to a total of 31 years imprisonment. The defence lawyers, however, continued to allege that there was a cover-up to protect other policemen. (DD 4/11.3.89)

EDUCATION

Pupils fight for admission

When the school year began in January many pupils and students found themselves barred from re-entry to school. There were protests in the Transvaal and Cape Province over the use of this measure to control pupils and to undermine organised protest, and over the expulsion of activists.

Stricter regulations in November last year governing the suspension and expulsion of pupils in African schools were followed in January by the tabling of a parliamentary bill threatening greater central government control over admission to schools.

Controls over re-admission

The bill, amending the Education and Training Act, had a clause giving the Director-General of Education absolute discretion to decide whether a pupil should be excluded from a school if he believed the pupil's presence would be 'prejudicial to the interests of the school or to the provision of education'. (CT 6.1.89)

The exclusion of pupils from school is a powerful instrument of control in the hands of the authorities, as there is a severe shortage of school places in black schools, and given that the character of education for black pupils, particularly in African and Coloured schools, makes it difficult to pass the final school exams at the first time of writing. (CP 1.1.89; FM 27.1.89)

Protests and boycotts

Protests by pupils and parents over the readmission of pupils who had failed

their matric exams were reported in East London, the Vaal Triangle and the Eastern Transvaal. (NN 19.1.89)

In Soweto, tension over the refusal of the authorities to re-admit ex-detainees and pupils who had failed exams turned to violent protest in January. Teachers and principals were attacked and six schools were closed by the authorities. There were also protests over registration procedures and over the presence of white inspectors and members of the 'security forces' in Soweto schools. Pupils demanded that the regulations introduced in November last year should be scrapped and called for the formation of Student Representative Councils (SRCs). (Ind 19.1.89; Star 21.1.89; S 30.1.89)

Pupils from 70 Soweto schools formed a Soweto Students' Coordinating Committee (SSCC) to represent them, a role previously played by the Soweto Students' Congress until it was restricted in October last year under the emergency regulations. Although pupils returned to school after two weeks, the SSCC said that neither the immediate issues nor the underlying causes had been resolved. The organisation urged parents to protest at the continuing detention of pupils, at least 36 of whom it said had been detained since the start of the year. (FOCUS 80 p.2; SS 25.1.89; S 30.1.89, 10.3.89)

In Tembisa pupils responded to a call by community organisations to end a class boycott which had started in October last year, by returning to school when the term started in January. The Tembisa Students' Organisation (TESO) and community organisations called on

the authorities to redress their grievances, which included the harassment of SRC members and teachers and interference in educational matters by the 'security forces'. A member of TESO, Amos MATHONSI, was detained in October last year, and was one of several Tembisa pupils still in detention in January. In February Calvin LETSOALA, chairperson of the Tembisa Education Crisis Committee was detained, under the Internal Security Act, and the authorities expelled about 80 members of the SRC and other activists in February. By March pupils from eight Tembisa schools had formed the Tembisa Students' Co-ordinating Committee, with the issue of the expulsions as one of its main concerns. (S 11.1.89; NN 12.1.89; NN 19.1.89; S 3.3.89)

Army in Western Cape schools

In the Cape Peninsula, where 2,000 African pupils were said by the Department of Education and Training to be on a waiting list, unable to find a school-place, the presence of army personnel was a focus of concern. According to a newly-formed organisation of teachers in the Western Cape, the Defend Democratic Teachers Union Committee (DDC), the DET had embarked on a military style of control of schools in the Western Cape. It said that most of the black schools in the area were directly 'at the mercy of' the SADF. The organisation was formed in January to mobilise against the restriction of three Western Cape education organisations in December. (FOCUS 81 p.5; South 26.1.89; S 15.2.89)

POLICE

Atrocities revealed in court

Between September 1984 and December 1988, according to official reports monitored in South Africa, at least 1,113 people were killed by the police in political conflict.

Cases arising from killings by police during the height of resistance in 1984-6 are still proceeding. (Star 2.3.89)

- An inquest into the deaths of 14 people, including children, shot by police in Mamelodi on 21 November 1985, continued in Pretoria in the first months of 1989. In June last year, when the inquest began, police witnesses admitted that they had discharged teargas into an 8,000-strong crowd and then opened fire, although the crowd showed no sign of violence (see FOCUS 78 p.60). In January, a resident told the court that she had witnessed the killing of Jerry

NGWATLE, who was shot in her garden. Ngwatle had been sitting on her lawn with some friends when police arrived demanding identity documents. Without provocation one of the policemen had kicked Ngwatle and then shot him in the back when he ran off. In further police evidence, Sergeant Dion Looths, who had fired at people during separate incidents on the day, told the court that the police were instructed not to fire bullets into the air, but to 'aim at a target when dispersing a crowd'. (S 25.1.89, 3.2.89)

- A claim for damages by 21 families and the Methodist Church in Africa arising out of the destruction of the KTC squatter settlement in June 1986 continued to reveal police complicity in the attack, which left 60,000 people homeless (see FOCUS 78 p.6, 74 p.8). Giving evidence at the end of last year, Major Dolf Odendaal, of the Peninsula riot squad, said that it was 'pure coincidence' that police disappeared at exactly the moment that 'witdoek' vigilantes began to attack

KTC residents. He said that police shown in a video detaining a church minister while ignoring 'witdoek' burning down homes were 'distracted'. Requests in court for the release of police orders relating to the KTC events have been blocked on six occasions by the Minister of Law and Order or the Minister of Defence invoking the Internal Security Act. (CT 5.8.88, 8/15/17.11.88)

The South African Police paid out 3,450 million rand in 456 claims for damages in 1987-8, compared to 856 million rand in the previous financial year, according to a statement in parliament by the Minister of Law and Order.

The claims included over half a million rand paid out for unlawful arrest and over two million rand for injuries, most of which occurred as a result of 'action during riots'. (BBC 15.2.89)

POLITICAL TRIALS

*Completed Trials***Byaboi and four others**

Three men and a woman were imprisoned in January at the end of a trial in the Western Cape linked to the ANC's armed struggle.

The three men, all from Worcester, were found by the Worcester Regional Court to have attempted to leave the country to undergo military training with the ANC. They had been arrested before they did so. One of them, Xolile Justice BYABOI, was sentenced to seven years' imprisonment and the other two, Monwabisi MAQHOQHI, 21, and Malungisi KHUMALO, 23, were sentenced to six years.

Mary NGENMTU, 43, a member of the United Women's Congress, was charged along with Caroline MAKHASI, 31, with having recruited the three men to join the ANC's military wing, Umkhonto we Sizwe. Makhasi was acquitted but Ngenmtu was convicted of furthering the aims of the ANC. She was sentenced to three years' imprisonment, of which two were suspended. The court heard evidence that she had encouraged the men to join the ANC and go to Botswana. (NN 12.1.89; South 26.1.89)

Khumalo

Themba Jerry KHUMALO, 31, a freelance journalist, was sentenced to an effective prison term of four years by the Johannesburg Regional Court on 1 November last year for harbouring and failing to report the presence of ANC guerrillas. The combatants were named as Vuyisile TSHABALALA, who was killed before the trial, and Oupa Alex SEHERI (*see Workers sentenced to death*).

The indictment mentioned a number of well-known individuals who had allegedly assisted the combatants, but Khumalo pleaded guilty to the charges and no evidence was led. In a statement he admitted finding accommodation for Seheri in November 1986. He also said he was paid by Tshabalala to drive him around. After Tshabalala was wounded in a shoot-out with police in February 1987, Khumalo helped him get medical attention. Khumalo was previously detained for 18 months in 1977. (FOCUS 74 p.5; DD/CT 28.7.88; S/WM 29.7.88; Star 2.11.88; S 3.11.88)

Masondo

Shirley MASONDO, aged 26, was sentenced on 6 February to 10 years in prison after being found guilty of causing an explosion at a restaurant in Hillbrow, Johannesburg, in October 1987. Five people were injured in the blast which was caused by a hand-grenade in a bag which Masondo had left on a table. She went to the restaurant with a man, Peter DLAMINI, who was described as a trained ANC combatant. Masondo, alleged to be an ANC supporter, said in court that she was unaware

of what was in the bag. (CT 26.8.88; Star 20.1.89, 7.2.89)

Muthwa and three others

Two trained ANC combatants, Ntela SKHOSANA, 23, and Mafi MGOBHOZI, 21, were given 12-year prison sentences on 27 January by Justice Booysen in the Durban Supreme Court. They were found responsible for an attack with AK-47s on the Esikhaweni police station near Empangeni and to have been in possession of arms. A third man, Derrick MUTHWA, 27, received a five-year sentence for possession of a firearm and an anti-personnel mine and for distributing ANC publications.

The trial, in which the three men appeared along with two others, began in October last year. Charges of 'terrorism' related to several incidents of armed action in Natal during 1987, including the Esikhaweni police station attack, and explosions at the post office and Sanlam Centre in Empangeni. The two men who were acquitted were Vivian Isidore MADE, a lawyer who has acted in many political trials, and Livingstone MATHABA. Made was detained in October 1987, shortly after the attack on the police station — four other people, apparently the other defendants, were also detained then although press reports did not name them. (FOCUS 74 p.5; CT 17.10.88; DN 18.10.88, 3.11.88, 13.12.88, 26.1.89)

*Other trials***Labour trials**

Recent trials have highlighted the use of the courts as a means of repressing trade unions in periods of heightened industrial action by workers.

Transport workers

On 24 February, Alfred NDLOVU (38), vice president of the Transport and General Workers Union (TGWU) and regional chair of COSATU, was sentenced in the Pietermaritzburg Regional Court to an effective five years in prison for 'terrorism' and being an accessory to attempted murder. (Star 27.2.89)

The court found that by associating himself with a man called Mjitha whom he knew to be an ANC member, Ndlovu had associated himself with the ANC and Mjitha's activities which allegedly included attacking an Inkatha meeting and encouraging people to leave the country to join the ANC. He was also found guilty of inciting others to kill Philip Thabete who was trying to organise bus drivers into the Inkatha-linked United Workers' Union of South Africa. (NN 23.2.89)

Ndlovu, a bus driver, was detained in October 1987 under Section 29 of the In-

ternal Security Act. At the time a number of drivers belonging to the UDF-affiliated TGWU were killed by suspected Inkatha vigilantes. Their hostility to TGWU drivers employed by the Kwazulu bantustan administration stemmed from the drivers' efforts to recruit people into local UDF structures. (GN 26.1.88; NN 23.2.89)

Notice of appeal against Ndlovu's conviction and sentence was lodged in the Natal Supreme Court on 27 February. (Star 27.2.89)

Four other former TGWU members who were sentenced to death for the killing of a bus driver who defied a strike of drivers employed by PUTCO, have been refused leave to appeal, and their lives depend on the outcome of a petition for clemency. (FOCUS 79 p.12; NN 23.2.89)

A dispute which resulted in a number of trials and four death sentences was the three-month long South African Transport Services (SATS) strike between March and June 1987 (*see above*).

Three SATS strikers, Wilson NAKANA (33), Sophania 'Tiny' MATLOGA (32) and Edward MATHOLE (36) were acquitted in the Rand Supreme Court on 2 February 1989 of the murder of a non-striker on 27 April 1987. The man was pushed off a slow-moving train as it was leaving the station. Justice R A Solomon found that the accused had no common purpose to kill, only to stop people working and that they could not have known that their actions would result in death. (Star 3.2.89)

Public sector workers

Workers in the public sector are particularly vulnerable to repressive action: they may not strike legally, nor may they disrupt services deemed to be essential. For example, during a dispute in Pietermaritzburg in November in which thousands of health workers were dismissed for participating in an illegal strike, 307 health workers at Grey's Hospital were arrested and charged with subversion in terms of the Internal Security Act. It was alleged they had disrupted central medical health services. (BBC 24.11.88)

Three officials of the Post and Telecommunications Workers' Association (POTWA) were due to appear in the Pietersburg Regional Court in May almost two years after an industrial dispute at the Chuniespoort Post Office in the Lebowa bantustan in July 1987. (S 27.11.87)

Peter MOKOENA (32), chair of the National Regional Committee of POTWA, Zet MAPHANGA (30), secretary of the Pietersburg branch of the union, and Frank PHALANE (29), vice-chair of the same branch, were charged with sabotage under the Internal Security Act in that they took part in an illegal

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Workers sentenced to death

Four railway workers were sentenced to death in March for the killing of four men during a transport strike in 1987. The new death sentences came only days after clemency was granted to a youth sentenced to death in a trial arising out of political protest. He was saved from execution, for the second time, by last-minute legal action of a kind which has become more frequent with the development of the campaign to save the lives of those on Death Row.

Paul SETLABA, sentenced to death as a result of the killing of an alleged informer in Colesberg's Bongweni township (see FOCUS 80 p.4), was granted clemency on 1 March by the Acting State President. (S 7.3.89)

SARWHU members

On 10 March four railway workers were sentenced to death for killing four non-strikers during the 1987 strike by employees of the South African Transport Services (SATS). All four were members of the South African Railway & Harbours Union (SARWHU) which led the strike.

The events which led to the death sentences occurred during a time of intense anger amongst railway workers, generated by the refusal of their employers to meet their demands and violent police action against strikers. A number of trials of SARWHU members arose out of incidents during this period (see *Labour trials below*). Evidence in mitigation was given by social psychologists after eight of the accused changed their plea to guilty of murder.

Six days before the killings the police shot dead three strikers at the Germiston office of the Congress of South African Trade Unions (COSATU), shot another three on their way to investigate the first deaths, and stormed COSATU House in Johannesburg, injuring more workers. A few days later all the SATS workers were dismissed and many of them evicted from the hostels in which they lived. In the wake of these actions a large meeting of workers at COSATU House decided on 27 April that the only way to stop the strike being crushed was to kill workers who refused to join the strike. Five non-strikers who had been brought to COSATU House were taken to a nearby area and, except for one who escaped, were killed.

Eighteen of those who had been on strike appeared in court in February

1988 and were charged with abducting and murdering four men. Of the eight who pleaded guilty to murder, four were sentenced to death by Justice T Spoelstra in the Rand Supreme Court. They were: Wilson MATSHILI, 33; Patrick MOLEFE, 27, from Alberton; Takalani David MAMPHANGA, 25; and George MAUGEDZO, 36. Four others were found guilty of murder with extenuating circumstances and were sent to prison — the court found that although they associated themselves with the killings, they did not directly take part. Phineas NETHSITUNGULWANE, 25, was sentenced to 12 years; Bongisi SIBISI, 33 and Mfemana RIKHOTSO, 33, to eight years; and David DZEVHE to five years. The remaining eight men received suspended prison sentences after being convicted on charges which included assault, intimidation and abduction. They were ordered to pay varying sums in compensation to the dead men's dependants. Two of the men, Isaac MOGOROSI, 30, and Jacob MMATLOA, 33, were acquitted. (Star 16.2.88; WM 24.2.88; S 28/29.4.88, 2.5.88, 5-26.5.88, 10/11.8.88; WM 12.8.88; CT 1.3.89; Ind 10.3.89; Star 11.3.88)

Oupa Alex SEHERI, 34, was sentenced to death on 3 February by Justice O'Donovan after being convicted of murdering two people with a Scorpion machine pistol. In another trial (see *Khumalo*) a man was imprisoned for harbouring ANC guerrillas, one of whom was alleged to be Seheri. (S 18.11.88; 4.2.89)

Eastern Cape trials

Events in the Eastern Cape during 1985 featured in two trials which ended last year with death sentences, and in an earlier trial which ended in 1987.

Few details are available concerning the last trial. Abraham ZEYO, 23, was one of 34 people listed in a survey carried out by the Black Sash into death

sentences in politically-related trials in the Eastern Cape. Zeyo was sentenced to death after he and four others were found guilty of murder and culpable homicide in connection with the death of a woman and two children who died in April 1985 when her house was set alight. An appeal was due to be heard in March. (Star 28.12.88; CP 8.1.89)

Two youths were sentenced to death by the Supreme Court in Port Alfred on 22 July last year after being convicted of the murder of an alleged police informer in October 1985. The man was killed with a burning tyre. Siphon GONYA and Phutumile DLABATHI, who were 18 years old when they first appeared in court in April 1986, were amongst 15 people from Duncan Village, including four juveniles, who were originally charged. Dlabathi subsequently spent eight months in emergency detention. Charges against nine of the accused were withdrawn in January 1987. Justice Grobber also sentenced to death a third youth, Ringo FARLAND, who was not in court as he had absconded while on bail. (DD 4.4.86, 30.1.87, 4.3.87, 4.4.87, 16/23.7.88)

The death on 19 October 1985 of a teacher who was alleged to be an informer led to death sentences being passed three years later in Grahamstown Supreme Court on Mangena Jeffrey BOESMAN, 35, Msokili Alfred WILLIE, 20 and Mhlawubi William DESEMELE, 21. The local community had collected R4,000 to assist in the defence of the three and five other Sterkstroom residents — a 19-year-old girl and four children.

At the time a school boycott had been instituted in the African township of Sterkstroom, one of the areas in the Eastern Cape affected by the partial State of Emergency imposed in July 1985. On the day of the incident a group of vigilantes gathered in the township to attack leaders and supporters of the boycott. In response a crowd took up a suggestion to rid the township of vigilantes and informers. They went to the house of the teacher, who died shortly after being set alight with paraffin by the crowd.

In spite of evidence from a clinical psychologist concerning the effects on the accused of the highly charged atmosphere in the township, Justice Zietsman found the three guilty of murder without extenuating circumstances. A 19-year-old girl, Nombuzo NYAQELA, a 16-year-old girl and a 15-year-old boy were convicted of murder with extenuating circumstances. Nyaqela was sentenced to four years' imprisonment and the 16-year-old girl to 18 months. The boy's sentence was suspended. One of the defendants was discharged at the end of the State's case and another found not guilty. (EPH 2/7/8.6.88, 19/21/22.10.88)

Labour trials

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strike calculated to interrupt or impede the postal and telecommunications service.

The dispute arose from a conflict between telephonists working at Chuniespoort Post Office and the Post Master. The Post Office serves the main offices of the Lebowa bantustan administration.

After making representations to management on several occasions, telephonists decided to stop work on 24 July 1987 — for a week all local telephone services were interrupted. Thereafter, a number of the strikers were detained or arrested. Phalane and Maphanga were detained on 10 August and Mokoena on 8 September. All three were held in detention until their first court appearance on 23 November 1987. (S 27.11.87)

PRISONS

Hunger strike by prisoners

Seven prisoners in Wellington Prison in the Transkei bantustan began a hunger strike on 18 February in protest at their conditions.

In a letter which reached the press they said that after making complaints about their food they were assaulted and 'locked in the cells without food and forced to starve'. They also demanded better medical and sleeping facilities, access to newspapers and radio, official acknowledgement of their complaints and permission to inform the Commissioner of Prisons about them. They also called for the International Committee of the Red Cross to be granted access to the bantustan's prisons. (*WM/DD 24.2.89*)

The demands of the hunger strikers echoed many of those made in a current court case challenging conditions in the prison initiated by five inmates in September. (*FOCUS 79 p.10, 81 p.10*)

At least five of those on hunger strike are political prisoners. One of them, Marelane KOPMAN (38), was involved in the legal challenge. Of the others, Thandisile JADA (21) was jailed for five years after being convicted of sabotage on 4 June 1987, Sindiso SIGU (23) and Mcebisi WAQU (29) were sentenced to five years on 17 July 1987 on charges of sabotage and Noble Kamohelo NTUNYA (26) was jailed for eight years and six months on 16 September 1987 for possessing explosives. Also on hunger strike was Ernest SOTSU who stood trial during 1988 on charges of 'terrorism' and Mahlubi MNDUZULWANA, reported to be a political prisoner. (*FOCUS 7 p.9, 74 p.7, 79 p.10; DD 12.8.88*)

In response to sustained protest by prisoners, the bantustan leader General Holomisa and other officials inspected the Transkei's 26 prisons at the end of January. They confirmed the 'unhygienic and overcrowded' condition of Wellington Prison, said a budget for renovation would be provided and that the release of inmates over 60 and those due for parole would be reviewed. Further details about the conditions in the bantustan prisons were contained in letters received by the lawyers of 16 awaiting-trial prisoners. One of them was from a woman, Nomthandazo LUSIZI, whose complaints had led to her being put in solitary confinement. Lusizi first appeared in court in December 1986, charged with furthering the aims of the PAC. (*CP 14.12.86; DN 30.1.89; CP 12.2.89; NN 2.3.89*)

Mandela isolated

At the end of January, the Minister of Information, Stoffel van der Merwe, said Nelson Mandela's freedom 'could not be promised this year' because the government envisaged 'violent repercussions'.

He said the government was talking to Mandela, but refused to confirm an earlier statement that 'the situation that could lead to [his] release is being discussed with him'. (*Ind 28.1.89*)

Mandela remained confined within Victor Verster Prison, with his visits subject to the authorities' approval. In December four of Mandela's co-defendants — Walter Sisulu, Ahmed Kathrada, Andrew Mlangeni and Raymond Mhlaba — were taken from Pollsmoor Prison to visit Mandela. At the beginning of February, however, former Robben Island prisoner Govan Mbeki was refused permission, a decision which Dullah Omar, the Western Cape President of the National Association of Democratic Lawyers (NADEL) said 'refutes all the government claims of privileges Mandela is supposed to enjoy'. (*South 9.2.89; FOCUS 74 p.1*)

Releases

Successful appeals

● In November two men sentenced to prison in March 1988 by a Ciskei bantustan court were freed on appeal.

Mzwandile MAMPUNYE (36) was jailed for two years for harbouring a guerrilla and taking part in ANC activities, and Xolani NGUDLE (22) was sentenced to seven years, for 'terrorism', membership of a banned organisation and possession of arms. A third man, Xolile MATABESE (29) had his sentence reduced from 12 years, but the new sentence was not reported. (*FOCUS 77 p.4; CT 17.11.88*)

● In February Mongezi TSHONGWENI (25) and Vusi THABETHE (25) each had sentences of four years and six months reduced to six months when the Appeal Court ruled that the trial court was mistaken in not taking into account why they had joined the ANC. They had been convicted of leaving the country illegally and joining the ANC. They were released as they had already served six months. (*FOCUS 79 p.11; WM 10.2.89*)

● Abdul Aziz KADER (27) had his conviction and sentence set aside on appeal. He had been sentenced to two years for refusing to testify in a trial of people charged with involvement with the PAC. The appeal judge ruled that it was possible that he had been forced to testify, having spent nine weeks in solitary confinement which had left him suffering from Post Traumatic Stress Syndrome. (*FOCUS 80 p.5; WM 24.2.89*)

Completed sentences

● In November, Joseph Boitumelo LEEPILE (29) was released from Robben Island on completion of a three-year sentence. He was convicted of treason for undergoing military training with the ANC between 1976 and 1984. On his release, Leepile spoke of the imposition of new restrictions on Robben Island prisoners, the censorship of letters to his lawyer, and the poor health of Rivonia triallist Elias Motsoaledi. (*FOCUS 62 p.8; NN 1.12.88*)

● Three women prisoners have recently been released on completion of sentence. Thandi MODISE (29), the first woman known to be imprisoned for participation in the ANC's armed struggle as a trained combatant, was released in November having served an eight-year sentence. Modise pleaded guilty in the Kempton Park Regional Court to three charges of 'terrorism': undergoing military training between 1976 and 1978, possessing arms, ammunition and explosives and placing explosives in two department stores in Johannesburg. Modise was initially imprisoned in, and finally released from, Pretoria Prison but reports indicated that she had also been held in Kroonstad and Klerksdorp prisons. (*FOCUS 33 p.10; South 17.11.88*)

In January, Greta APELGREN (30) completed a 21-month sentence imposed under the Internal Security Act for assisting in the release of captured ANC combatant, Gordon Webster, from Edendale hospital in May 1986, and for reconnoitring targets. On her release Apelgren said she would continue 'working for political change' and intended to campaign against the death sentence imposed on her co-defendant Robert McBride. (*FOCUS 70 pp.6-7; DN 14.1.89; NN 5.2.89*)

Farieda KHAN (28) was released from Pollsmoor Prison on 7 December and placed under a restriction order after completing a six-month sentence under the Internal Security Act for membership of the ANC. (*FOCUS 78 p.9; CT 8.12.88*)

Early releases

● On 15 November four prisoners were released from Robben Island before completion of sentence. Themba KHUMALO, (29), Isaac Sithemlalo ZIMU (31) and Veli Sandie MTHEMBA (33), were released having served 11 years of the 13-year imposed by the Pietermaritzburg Supreme Court under the Terrorism Act. They were sentenced for attempting to leave the country for military training and for inciting others to do so. (*FOCUS 14 p.6; DD 15.11.88*)

● Siza Michael HLONGWA served seven years and six months of a nine-year sentence imposed in May 1982 on charges of 'terrorism' for possession of arms and ammunition, recruitment, and conspiracy with the ANC. (*FOCUS 46 p.7; DD 15.11.88*)

● Having served 12 years of a 16-year sentence, mostly on Robben Island, Simon NKOSI (52), was released on parole from Ermelo Prison on 18 February. For the duration of his sentence Nkosi remains under the control of the head of Ermelo Prison, who can change the conditions of his parole. His residence is restricted to Breyten, he is prevented from changing his home or work address without approval, he must report to the police, and he is liable to complete the sentence in prison if he commits any 'offence' or 'misconduct'. Nkosi, who was first imprisoned in 1963 for 12 years as a PAC member, was imprisoned in February 1977 on charges of sabotage. (*FOCUS 1 p.4, 10 p.16; S 16.2.89; CP 19.2.89*)

Threat to fair elections

Anti-SWAPO activities stepped up

As United Nations forces moved into Namibia to oversee the independence process, South Africa stepped up its efforts to influence the elections in order to keep SWAPO from power. Troops and police launched an anti-SWAPO propaganda drive, while the South African Administrator-General (AG) sought to introduce measures aimed at restricting the size of the vote in favour of SWAPO.

Commanders and advance units of the UN Transition Assistance Group (UNTAG) arrived in Windhoek in February and March to prepare for the arrival of the main body of troops on 1 April. Lieutenant-General Prem Chand, the UNTAG commander, was greeted with a tumultuous welcome by 3,000 SWAPO supporters on 26 February. (*Star* 2.3.89; *Nam* 3.3.89)

At the insistence of the permanent members of the UN Security Council and despite opposition from African and non-aligned countries, the military component of UNTAG was reduced from a planned 7,500 personnel to 4,650. Twenty-one countries are providing personnel, with the main force composed of three enlarged infantry battalions from Finland, Kenya and Malaysia. Five hundred UNTAG police monitors are also to be deployed, together with 760 administrative staff and 620 electoral supervisors. (*WA* 23.2.89)

The UN force will bring its own helicopters and aircraft, but will lease 'non-lethal' military equipment, including armoured vehicles, from the South African Defence Force. It will also purchase supplies from South African companies. (*WA* 2.3.89)

Authority

The UN plan entails the withdrawal of all but 1,500 South African troops by 1 July and UN-supervised elections in early November for a Constituent Assembly which will draw up a constitution for an independent Namibia (see *FOCUS* 81 p.1). Overall authority during the election period will remain with the South African AG, Louis Pienaar, although his actions will be subject to the approval of the UN Special Representative, the Finnish diplomat Martti Ahtisaari. On 1 March the South African-backed 'transitional government', the Multi-Party Conference Administration, was dissolved, and the AG took control.

Elected representatives to the second-tier authorities were due to stand down on 1 April, but in mid-March the White Legislative Assembly declared that it would refuse to dissolve itself. Elections were held to the Assembly on 1 March, all the seats being won by the National Party of South West Africa, whose leader declared that his supporters would resort to violence to defend their interests. The second-tier Rehoboth Legislative Assembly, also dominated by a right-wing party, announced at the same time that it would not dissolve and

threatened to declare unilateral 'independence'. (*WA* 2/3.3.89; *GN* 16.3.89)

Repeal of legislation

The UN plan calls for the repeal of 'repressive and discriminatory' legislation and the release of all political prisoners. However, the AG declared on 1 March that he intended repealing only legislation which in his view would directly affect the elections. He also said that although detainees and political prisoners would be released, people standing trial would not necessarily be freed. (See *Namibian Political Prisoners*; *WA* 2.3.89; *Nam* 4.3.89)

Military forces

The UN plan entails the phased withdrawal of South African Defence Force (SADF) troops. However, there have been reports of troops caching arms and handing out weapons to anti-SWAPO factions. (*CT* 17.1.89; *WO* 4.3.89)

The 30,000 locally-recruited members of the South West Africa Territory Force (SWATF) are required to be demobilised under the UN plan, and their weapons cached under UN supervision. However, the South African authorities have said that they will continue to pay full-time members of the force, which will not be dismantled. The strategy was spelt out in 1982 by the officer then commanding SWATF, who said that 'the demilitarisation of the SWATF is . . . a temporary phase that should last only for the duration of the election campaign'. (*WO* 18.9.82; *Times of Namibia* 3.2.89)

Police

Under the UN plan, South African police are responsible for 'maintaining law and order' during the election period, under the supervision of 500 UNTAG monitors. Following UN pressure, Pretoria agreed last year to disband the police counter-insurgency unit Koevoet, but it was subsequently revealed that its members had been 'integrated' with the regular police. (*FOCUS* 81 p.2).

In an interview in February, the Commissioner of Police, General Gouws, disclosed that all 3,000 members of Koevoet had been retained in police service and were ready to be deployed under UN supervision. Koevoet personnel would make up half the police force responsible for maintaining order during the elections. (*Times of Namibia* 3.2.89)

Koevoet police were reported to be continuing their usual activity of patrolling in heavily-armed Casspir vehicles, the only difference being that they were now

dressed in regular police uniforms. (*Nam* 24.2.89)

On 25 February police were implicated in an attempt to assassinate Pastor Hendrik Witbooi, who, as Acting Vice-President of SWAPO, is one of the most prominent SWAPO representatives in Namibia. A police informer, Lucas Rooi, who had undergone an army explosives course, confessed to attempting to plant a bomb under Witbooi's car, on the orders of two policemen. (*Nam* 3.3.89)

In mid-March an urgent application was lodged in the Windhoek Supreme Court for an order restraining police and soldiers from harassing SWAPO supporters. Several affidavits were submitted detailing attacks on SWAPO meetings, assaults on SWAPO supporters and the attempted assassination of Witbooi. Two members of Koevoet, who resigned from the unit in February, said in supporting affidavits that they had simply been told to remove their Koevoet insignia and that from then on they would be members of the regular police. They continued to operate as a unit, with the same commanding officers, and had been ordered to take part in anti-SWAPO propaganda exercises. (*GN* 16.3.89)

There were widespread reports of police and soldiers trying to hold meetings with local people to persuade them to vote against SWAPO, and handing out anti-SWAPO leaflets. On one occasion, troops from 101 Battalion in northern Namibia assisted the main anti-SWAPO grouping, the Democratic Turnhalle Alliance (DTA) in holding a public rally. (*Nam* 17.2.89)

Extensive army and police propaganda activities were reported from the Kavanago and Caprivi regions. Church officials said that troops were showing films and distributing pictures of starving people, and telling local people that a SWAPO electoral victory would lead to starvation and the confiscation of property. In the Ovambo bantustan, residents reported that troops were going from village to village, handing out gifts of canned food and medicines and calling on people to vote against SWAPO. (*Nam* 24.2.89, 3.3.89)

Electoral regulations

The UN Special Representative is responsible for ensuring the 'fairness and appropriateness of all measures affecting the political process', but the AG is responsible for drawing up the electoral roll. He has said that he intends introducing a voting age of 21, instead of 18 which is usual in the region and is favoured by the UN. This would deny SWAPO votes amongst the youth who are generally strong supporters of the liberation movement. (*Times of Namibia* 3.2.89; *MS* 22.3.89)

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Election threat

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SWAPO has also expressed concern that the AG may introduce regulations which make it difficult for exiles and refugees to return and to vote. The liberation movement has asked the UN High Commissioner for Refugees (UNHCR) to return to Namibia between 41,000 and 42,000 of the 74,000 registered refugees in Angola and Zambia — those remaining behind will be mainly young people not eligible to vote.

The UNHCR approached the Council of Churches in Namibia to oversee refugee resettlement and welfare, but the South African authorities have attempted to set up their own refugee resettlement camps at army bases and in UNITA-controlled areas of northern Namibia. (Namibia Support Committee 15.3.89; Nam 3.3.89)

Campaigning

Political groups opposed to SWAPO used the period before the arrival of the main body of UN forces on 1 April to prepare for the election campaign. New and often shaky alliances were forged as small groups sought to maximise their vote under the proportional representation system. By the end of February one alliance was reported to have 93 million rand in its campaign coffers — about 150 rand for each voter, according to South African estimates of the electoral roll. Another alliance was reported to have raised 56 million rand. It was not clear how much of this money had come from South Africa, but in past elections, such as the South African-controlled elections of 1978, large amounts of money were transferred to anti-SWAPO parties from South Africa. (WA 27.2.89)

Civil servants and most government officials, including those employed by the apartheid second-tier authorities, will continue to carry out their functions on government pay during the election period. Patronage, bribery and corruption have been rife in the civil service.

South African-appointed officials and existing local authorities will continue to administer local regulations, thus giving them control over venues for meetings, display of posters and other aspects of the election campaign. South Africa will directly control Walvis Bay during the election period, and, unless repressive legislation such as the State of Emergency restrictions are repealed, registration, campaigning and voting in the enclave will be difficult.

Media

The UN Special Representative is charged with ensuring that access to the media is free and fair for all parties. Almost all the daily and weekly newspapers in Namibia are funded and controlled by anti-SWAPO interests — many are directly controlled by South African-backed political groups. The only newspaper

sympathetic to SWAPO, *The Namibian*, has been repeatedly attacked and its offices damaged by arson. TV and radio are directly controlled by the authorities and have an overwhelming anti-SWAPO bias. (Nam 19.9.87, 1.4.88)

SWAPO

SWAPO has expressed concern about South Africa's attempts to inhibit a free and fair election, but has committed itself to winning a two-thirds majority in the Constituent Assembly, which will enable it to draw up an independence constitution. In February, the internal and external leadership of the movement was integrated through the election of seven key internal leaders to the externally-based Central Committee. 'We are going back as one big election machine',

said Central Committee member Hage Geingob, adding that the South Africans would 'see an election campaign machine that they have never witnessed in Africa'. (Nam 17.2.89)

By March several SWAPO rallies, seminars and strategy meetings had been held in various parts of Namibia, including a 6,000-strong public meeting in the coastal town of Swakopmund. The powerful National Union of Namibian Workers (NUNW), representing between 50,000 and 60,000 workers, declared that it would campaign for a SWAPO victory, although remaining autonomous. 'Only a SWAPO victory will facilitate the struggle for workers' rights', said Ben Ulenga, General Secretary of the Mineworkers Union of Namibia. (Nam 24.2.89; Star 28.2.89)

Namibian political prisoners

As 1 April — the date for the implementation of the UN independence plan — approached, doubts grew about whether the South Africans would fulfill their commitment to release all political prisoners and detainees.

Representatives of the outgoing Multi-Party Conference (MPC) administration as well as the SWA Commissioner of Police denied there were any political prisoners being held, while the Administrator General exempted people on trial from those eligible for release. The following list details, in order of date of sentence, all those known to be in prison for political offences whether convicted under 'security' legislation or common law.

NAME	SENTENCED	SENTENCE	ACT/CHARGE
Markus KATEKA	13.10.80	17 yrs	Terrorism Act
Theofilus JASON	2.6.82	9 yrs	Terrorism Act
Josef SAGARIUS	2.6.82	9 yrs	Terrorism Act
Angula MWAALA	26.5.83	11 yrs	Common Law & Terrorism Act
Veiko Paulus NGHITWA	30.10.85	24 yrs	Common Law
Sam MUNDJINDJI	30.10.85	24 yrs	Common Law
Frans ANGULA	7.5.86	16 yrs	Terrorism Act
Norbert ANKOME	7.5.86	14 yrs	Terrorism Act
Elkan Simon SHOOMBE	7.5.86	14 yrs	Terrorism Act
Desiderius ANKOME	7.5.86	12 yrs	Terrorism Act
Erastus UUTONI	7.5.86	12 yrs	Terrorism Act
Vilho KASHILULU	7.5.86	12 yrs	Terrorism Act
Bernadinus Petrus SHIKONGO	7.5.86	5 yrs	Terrorism Act
Paulus KAPUMBURU	Aug '86	12 yrs	Common Law
Leonard NAFTALI	28.11.86	18 yrs	Common law
Jonas HINGASHEPUA	17.2.87	12 yrs 6 mth	Sabotage
Silas Naftali MBONGE	18.3.87	3 yrs	Placing explosives
Evans Salwindi SIMASIKU	12.5.87	10 yrs	Sabotage
Andreas Johnny HEITA	22.5.87	18 yrs	Terrorism Act
Johannes NANGOLO	22.5.87	12 yrs	Possessing explosives
Martin AKWEENDA	22.5.87	10 yrs	Terrorism Act
Gabriel MATEUS	22.5.87	8 yrs	Possessing explosives
Salomo PAULUS	22.5.87	7 yrs	Terrorism Act
Gabriel NDAPUKA	27.5.87	3 yrs	Sabotage
Afunda NGHİYOLWA	15.8.88	20 yrs	Common Law & Sabotage
Andreas VILHO	26.8.88	10 yrs	Common Law
Paulus ANDREAS	30.3.89	9 yrs	Sabotage
Stefanus NGHIFIKWA	30.3.89	5 yrs	Sabotage
School boycott cases			
Elifas MASTU	Aug '88	18 mths	Common Law (arson)
Conrad SHIRORA	Aug '88	18 mths	Common Law (arson)

REPRESSION IN THE COURTS

Trials as independence nears

The South African regime continued to put its Namibian opponents on trial even as the date drew near for the repeal of all repressive legislation, one of the conditions of the UN independence plan.

Trials continued in Walvis Bay which is administered as part of South Africa's Cape Province and is covered by South African laws. One involved 15 school students from Kuisebmond Senior Secondary School who were charged with public violence following a school boycott there in June 1988. At a court appearance in late November two of the accused failed to appear and warrants were issued for their arrest. One faced an additional charge of assaulting a policeman. Leonard SHEEHAMA, an alleged SWAPO combatant, appeared in the Walvis Bay Supreme Court charged with murder for causing a bomb explosion at a shop in August 1986 in which five people died. (*Nam* 22.7.88, 2.12.88; *WO* 26.11.88)

Andreas and Nghifika

The legitimacy of SWAPO's armed struggle was argued before the Windhoek Supreme Court in late 1988 during the trial of PLAN combatant Paulus

ANDREAS (26) and his alleged accomplice Stefanus NGHIFIKWA (41). On 8 December both men were convicted of sabotage, under the General Law Amendment Act of 1962. The men first appeared in court in August 1987 after more than a year in detention and still without benefit of legal counsel. They were subjected to a preparatory examination by a Windhoek magistrate concerning the charges, which arose from a car bomb explosion at the Gustav Voigts multi-storey car park in central Windhoek in July 1987. Damage to property amounted to over R2 million but no people were injured in the explosion, which occurred at night.

From the beginning of the proceedings Andreas was defiant, admitting that he had planted the explosives but denying that what he did was wrong. He stated that as a PLAN combatant he had merely carried out his orders. He refused to recognise laws imposed by the illegal regime in his country. His defence indicated that there was a war going on in Namibia in which he was a legitimate participant.

Nghifika's role was that of a supporter and not a combatant — he was the principal of Engela School at the time of

his arrest. He was charged with buying the car used for the bomb, driving it north and then returning it to Windhoek with explosives in it. He also helped Andreas acquire an identity card but played no part in the actual bombing — he was not even in Windhoek at the time.

Another accomplice in the deed appeared as the main state witness in the case. Matheus MUDJANIMA had also been held in detention since July 1987.

On 30 March 1989 Nghifika was sentenced to 5 years imprisonment and Andreas to 9 years. (*WO* 27.8.88, 29.10.88, 5/12.11.88, 10.12.88; *Nam* 21/28.10.88)

'Rights' Act falls

On 17 February a majority decision of the Windhoek Supreme Court invalidated the Protection of Fundamental Rights Act in response to a challenge initiated by Ignatius Shihwaameni of NANSO and a number of trade unions. (*FOCUS* 80 p.9)

Justices Hendler and Strydom, with Judge Mouton dissenting, ruled the Act unconstitutional in so far as it violated the Bill of Fundamental Rights introduced as an annexure to Proclamation R101 which established the MPC administration installed by South Africa in 1985. The respondents in the matter, who were ordered to pay the applicants' costs, were the Speaker of the National Assembly, the 'interim government cabinet', the Administrator-General and the Attorney-General.

After the court's ruling it was also reported that Joseph HENDRICKS, who had been refused bail since August after being charged under the Act, had been released. (*FOCUS* 80 p.9; *Nam* 24.2.89)

Detentions

Detainees to be charged?

Figures for those in detention remained difficult to obtain. In late February a spokesman for the MPC administration admitted holding 13 detainees of whom eight would be released in terms of the UN independence plan and five would be kept in custody as there was 'formal proof' they had violated certain laws. He said eight others had already been released. No names were given. The list of those in detention in February included one man who had been held for almost nine years and whom many people believed had disappeared (*see list*).

The following people have been released from detention: Mannase MOSES, Festus NANDJIGWA and Maria SHOONGELENI. (*FOCUS* 81 p.4)

DETAINEES — Additional to previous Focus lists		
Date	Name (age)	Details (where known)
5.5.80	Toivo SHILONGO	Held at Oshuukwa — Ongandjera
29.6.85	Johannes PROTASIUS	Held at Valombola — Ongwediva
26.11.87	Silas KAMULE	Held at Arandis
10.3.88	Petrus PAULUS (28)	From Ondangwa, held at Ongenga Uukwanyama
11.9.88	Johanes KADHILA	Held at Ombalantu
16.12.88	Hafeni PAULUS	Held at Onangwe — Uukwanyama
23.12.88	Iimalwa KASPAR (Caspar Himarua)	Detained at Oshivelo
23.12.88	Lazarus DANIEL	Detained at Oshivelo
25.12.88	Emerita PHILLEMOM	Held at Oshipumbi Shomngongo — Eheke
5.2.89	David HAIDURA	Held in Kavango bantustan
5.2.89	Suse HAIDURA	Released on 16 February

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ANGOLA

UNITA threatens peace process

Suffering from a substantial reduction in direct South African support as a result of the tripartite agreement between South Africa, Cuba and Angola, the National Union for the Total Independence of Angola (UNITA) has been further weakened by revelations of abuses and atrocities carried out by its leadership.

Continuing UNITA military activities have threatened the implementation of the tripartite peace accord. In the first three months of 1989, the joint commission set up to patrol the Angola-Namibia border and ensure the cessation of hostilities was unable to function in UNITA-controlled eastern areas (see *FOCUS 81 p.2*) and UNITA continued military operations in Angola. However, a 'general offensive' announced in early February was abandoned after five days, and Angolan forces reported substantial victories against UNITA. (*Tel 14.2.89*)

Angolan government sources said that on 8 and 9 February South African troops crossed into Angola in support of UNITA. The incursion was repulsed and 40 South African troops were killed.

Although UNITA was not party to the tripartite agreement, signed in December last year (see *FOCUS 81 p. 1*), South Africa undertook to stop supporting it militarily. However, UNITA continued to rely on rear bases in the eastern Kavango and western Caprivi regions of South African-occupied Namibia. The United States also continued to support UNITA, channelling supplies through Zaire. However, there were reports that UNITA was facing military difficulties, and that it feared that US support would not compensate for the loss of South African military and logistical back-up when the South African

forces pulled out of Namibia. (*DN 30.1.89; Ind 4.2.89*)

These setbacks for UNITA led to increasing disarray in its ranks. According to the Angolan government, large numbers of UNITA members handed themselves over to government forces under a new amnesty law which took effect in February. Angolan officials met with UNITA personnel to explain the amnesty, but discounted reports that they were preparing to negotiate with UNITA. (*SS 8.2.89; ANGOP 10/21.2.89*)

Atrocities

Backed by South Africa and the United States, UNITA has been presented as a force fighting for 'democracy' and its leader, Jonas Savimbi, has enjoyed access to Western leaders, including President Reagan. Its activities in Angola have given it a reputation for brutality and barbarism as a result of its indiscriminate attacks and ruthless intimidation of local people. Rape, torture, kidnapping and forced labour have been used by UNITA as methods of controlling the local population.

This year UNITA's image has been further impaired by disclosures by ex-members of the group. In February it was revealed that Tito Chingunji, UNITA's 'foreign secretary', had been detained and tortured at UNITA headquarters in southern Angola for disagreeing with Savimbi. It was also disclosed that one of his predecessors had been executed. (*Africa News 6.2.89*)

More damaging information was revealed in March by Fred Bridgland, Savimbi's biographer, and until then one of his strongest supporters in Britain. Bridgland gave details of people being burnt alive at UNITA headquarters and the detention and torture of senior officials. Two ex-UNITA members also

Tool of Pretoria

UNITA, the National Union for the Total Independence of Angola, was formed by Jonas Savimbi in 1966 when he broke away from other organisations fighting Portuguese colonialism in Angola. Savimbi made a secret deal with the Portuguese authorities whereby they agreed to leave UNITA alone as long as it actively opposed the MPLA liberation movement.

When Portuguese colonial rule collapsed in 1975, UNITA allied itself with a South African invading force and tried to capture Angola's capital city, Luanda. The attempt failed — South African troops withdrew to Namibia and UNITA disintegrated into roving bands which resorted to pillage.

The group was resuscitated by the South African Defence Force, which trained and equipped it, and UNITA became a tool of the South African destabilisation campaign. Operating from headquarters in the remote, underpopulated Kuando Kubango province, and supplied from across the Namibian border, UNITA bands fanned out over eastern, central and later northern Angola, attacking villages, agricultural and industrial enterprises and transport networks, and indiscriminately laying land-mines. (*Namibia the Facts, IDAF, 1989*)

spoke out, detailing further executions and public burnings of dissidents. The US State Department said that it would 'investigate the allegations' but indicated that military aid to UNITA would continue. (*Ind 14.3.89*)

UNITA has also been responsible for atrocities in Namibia. Last year, members were involved in cattle rustling, killings and kidnappings. (*FOCUS 81 p.3*)

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



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