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ON POLITICAL REPRESSION IN SOUTHERN AFRICA



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NAMIBIAN INDEPENDENCE

THREATS OF SOUTH AFRICAN DISRUPTION

The Namibian independence process, set to begin on 1 April with the arrival in Namibia of the UN Transition Assistance Group (UNTAG), has been threatened by disruptive South African tactics.

A tripartite agreement between South Africa, Angola and Cuba was reached in November and formally signed on 22 December last year. It set 1 April as the date for the implementation of the UN Plan for Namibian independence, as laid out in Security Council Resolution 435 of 1978. At the same time, the Angolan and Cuban governments signed an agreement for the phased withdrawal of Cuban troops from Angola by July 1991: the first contingent was withdrawn on 10 January.

The UN Security Council endorsed the tripartite proposals in January. It instructed the Secretary-General to arrange a formal ceasefire between SWAPO and South Africa. SWAPO implemented an informal ceasefire on 1 September, but South African forces continued operations and the dusk-to-dawn curfew in the main war zone was retained. (UNSCR 629 of 16.1.89)

The UN Plan lays down a seven-month timetable for the removal of South African troops from Namibia, repeal of discriminatory and restrictive legislation, release of political prisoners and detainees, return of exiles and refugees, and national elections under UN supervision leading to the convening of a Constituent Assembly (see *COUNTDOWN TO INDEPENDENCE*).

UNTAG

The January Security Council resolution authorising the deployment of UNTAG on 1 April was held up by a proposal by the permanent members to reduce the size of UNTAG by more than half as a cost-cutting measure. Other

members of the council strongly opposed this on the grounds that the 7,500-strong military component of UNTAG would be hard-pressed to monitor the activities of tens of thousands of South African police and troops in the territory.

The attempt to reduce UNTAG was opposed by SWAPO whose President, Sam Nujoma, said that it 'would make a mockery of UN responsibility and [be] an invitation to South Africa and its surrogates to rig the election'. Although South African troops are to be withdrawn or confined to base before the election, its police forces will continue to operate under UNTAG supervision. (WA 5.1.89; SS 11.1.89)

The question of reductions in UNTAG or other cost-cutting measures was referred to the UN Secretary-General. The Security Council also called on South Africa to reduce its police forces, and expressed concern at 'the increase in the police and para-military forces and the establishment of the South West Africa Territory Force (SWATF)' by South Africa. SWATF will be disbanded under the UN Plan. (UNSCR 629 of 16.1.89)

MILITARY BUILD-UP

Despite its public commitment to implement Resolution 435 on 1 April, South Africa continued its military activities in Namibia in the first weeks of 1989. In a Christmas message to South African troops in Namibia, South Africa's Deputy Minister of Defence declared that it would not be scaling down its operations in the territory. In January, in a telex to the UN Security Council, the Council of Churches in Namibia (CCN) opposed attempts to reduce the size of UNTAG and reported that arms were being cached at strategic points by 'forces unfriendly to Namibian independence'. (WA 22.12.88)

On 10 January 2,200 conscripts reported for compulsory military service in SWATF. In terms of Resolution 435, the conscripts would be demobilised on 1 April, although it was repor-

ted that military authorities intended sending SWATF officers to South Africa to continue their service. (WA/Ind/SS 11.1.89)

At the end of 1988 there were persistent reports of troops waging a campaign of intimidation and inducing people to vote against SWAPO in the forthcoming elections (see *SADF STRENGTHENED*).

The SWA Police Training College began the year with a full complement of 75 new recruits. The commanding officer declared that Resolu-

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namibia

COUNTDOWN TO INDEPENDENCE

The UN Plan for Namibian independence is laid out in Security Council Resolution 435 of 1978 and a number of other documents. The following timetable has been drawn up on the basis of these documents and the timing specified in Security Council Resolution 629 of 1989. Some changes may be introduced during the process.

1 April UN Special Representative and UN Transition Assistance Group (UNTAG), consisting of military and civilian personnel, arrive in Namibia. UN oversees ceasefire already in force: SWAPO and South African forces, including South West Africa Territory Force (SWATF) confined to base. UN monitors police forces. Release of political prisoners and detainees begins.

Mid-April Demilitarised Zone (DMZ) established 50 kilometres either side of Namibian/Angolan and Namibian/Zambian borders – but 'selected locations' exempt until end of June.

Mid-May South African military forces reduced to 12,000. SWATF command structures dismantled, including Area Force Units: South African troops in SWATF withdrawn and military equipment placed under UN supervision. Exiles and refugees begin to return. All discriminatory and restrictive legislation repealed.

Early June South African force levels reduced to 8,000. Completion of release of political prisoners and detainees.

1 July All South African military bases closed except Grootfontein and Oshivello: South African forces reduced to 1,500. Official start of election campaign. Voter registration begins.

Early November National election of Constituent Assembly.

Mid-November All remaining South African troops withdrawn and military facilities closed. Constituent Assembly convened to draw up constitution.

Unspecified date Independence – anticipated within five months of election.

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435 would not influence the police training programme and that activities would carry on 'as normal'. It was also disclosed that five new police stations were being built in the Ovambo bantustan, the main war zone. (WA 10.1.89; New York Times 15.1.89)

Many of the South African-controlled police in Namibia have been engaged in military operations, although under the UN Plan they will be charged with policing tasks. Much of the active combat against SWAPO during the 1980s has been carried out by the 3,000-strong Counter-Insurgency Unit of the SWA Police, better known as Koevoet, which has also been responsible for widespread atrocities against the civilian population. There have been repeated calls for it to be considered a military rather than a police unit, and to be demobilised accordingly.

In December last year, the South African foreign minister declared that Koevoet would be disbanded 'to create goodwill'. However, in January it was disclosed that Koevoet units were still intact. The troops were being trained in routine police procedures, and commanders indicated that on 1 April they would be transferred to regular units of the South West Africa Police. Some would be assigned to the new police stations in Ovambo. (BBC 24.12.88; New York Times 15.1.89)

UNITA, the South African-backed desubordination force in Angola, was not included in the Angolan-South African ceasefire resulting from the tripartite talks (see FOCUS 79 p.1). However, the accord specifies that neither Angola nor South Africa will allow their territories to be used for hostile acts against the other. ANC President, Oliver Tambo, announced on 8 January that ANC military personnel were being moved from Angola. He said that the ANC had taken the decision after consultations with the government of Angola 'so as not to allow the racists and their allies to use the presence of ANC military facilities in Angola as an excuse for blocking or otherwise delaying the process' of Namibian independence. He hailed the tripartite agreement as 'an advance of great strategic significance for our region and for our own struggle'. (Statement of the National Executive Committee of the ANC, 8.1.89)

However, by the end of January, the South

Africa regime had not taken any steps to dismantle UNITA bases in northern Namibia. Reports during November and December indicated that UNITA activity around its bases in the Caprivi Strip of north-eastern Namibia was in fact increasing (see SADF STRENGTHENED p.3), and that South Africa was issuing UNITA members with Namibian citizenship documents to enable them to remain in Namibia during the independence process and take part in the election. There could be up to 5,000 UNITA troops in Namibia, but Resolution 435 makes no provision for disarming them. (SS 11.1.87)

The Joint Military Monitoring Commission, set up by South Africa and Angola to supervise the ceasefire between the two parties signed in the middle of last year (see FOCUS 79 p.1, 80 p.12), had by January been unable to function along the Caprivi Strip for fear of UNITA attacks. According to Major Valeriano Martinho, second-in-command of the Angolan contingent on the commission, 'UNITA can do whatever they want [in Caprivi]: take arms into Angola, take arms out, bring men in, bring men out.' UNITA was also being supplied by the United States through Zaire, and the Bush administration declared it would continue support despite the tripartite agreement. (Ind 12/14.1.89)

POLITICAL MANOEUVRES

Pretoria has taken a number of other steps which threaten free and fair elections and the future of Namibia. The South African government has laid claim to Walvis Bay, Namibia's only deep-water port, and administers it as part of the Cape Province. In the course of 1988, at least 22 million rand was spent on expanding the extensive military installations in the enclave and the navy held its largest-ever manoeuvres there. SWAPO has warned that many of the troops to be withdrawn from Namibia may simply be moved to Walvis Bay, where they will be a threat during the transition period and after independence. (WM 9.12.88)

In early January, the *Windhoek Advertiser*, a daily paper reflecting the views of the South West African National Party, disclosed a 'highly confidential' plot to have the Rehoboth bantustan in central Namibia declared an 'independent republic' before the implementation of the UN Plan. Rehoboth would thus be 'excluded from

the conditions . . . of 435'. The Rehoboth administration has historically had greater autonomy than other second-tier administrations. There have also been discussions between South African authorities, bantustan officials and others about the possible establishment of another 'republic' in the Eastern Caprivi bantustan in the far north-east of Namibia. (WA 3.1.89)

The National Party, which controls the segregated second-tier Administration for Whites, is opposed to Resolution 435 and has called for its own territorial authority. Elections to the Administration for Whites, which should be abolished under the provision of 435 calling for the annulment of all discriminatory legislation, have been scheduled for 1 March. Over 70 per cent of white voters had registered for the election by 4 January. (WA 3.1.89, 16.1.89)

The National Party, along with the Rehoboth Free Democratic Party, which would be behind any secessionist attempt in Rehoboth, form part of the Multi-Party Conference Administration (MPC), which South Africa set up as a 'transitional government' in 1985. The MPC parties, already demoralised, were thrown into disarray by the agreement to implement the UN Plan, about which they were not consulted. (Nam 21.10.88)

Reports indicated that Meshak Muyongo, a vice-president of the Democratic Turnhalle Alliance, the largest grouping in the MPC, has been selected by South Africa to lead an armed group which might be set up to destabilise an independent Namibia. Muyongo has previously been involved in secessionist initiatives in the Eastern Caprivi. Officers from the SWATF's 101 Battalion in northern Namibia were also consulted. SWAPO has repeatedly raised the possibility of South Africa setting up a destabilisation force similar to UNITA. (WA/Nam 16.12.88; SS 11.1.89)

SWAPO, which commands overwhelming support in Namibia, began to gear itself up for elections at the end of last year. Rallies and seminars were held in several towns around Namibia, including towns in the northern war zones such as Katima Mulilo and Rundu. The Council of Churches began preparations to assist up to 100,000 exiles and refugees who are expected to return during the transition to independence. (Nam 28.10.88, 25.11.88)

SADF STRENGTHENED – ATROCITIES PERSIST

In the months before the agreement for Namibian independence was signed in December 1988, there was an increase in reports of atrocities committed against residents of the northern war zones by units under the control of the South African Defence Force (SADF). The SADF also extended its military presence and began an aggressive campaign to dissuade people from voting for SWAPO in the event of elections.

The Legal Assistance Centre (LAC), established in Windhoek in July, and its Human Rights Centre at Ongwediva in the north had dealt with 50 cases of 'human rights violations' by early September. These included damage to property, injuries, detentions, killings, harassment, disappearances, rape, robbery and assault. Between January and August, the Ovambo bantustan administration received reports of 120 alleged atrocities – an increase over previous years when it had dealt with an average of 130–150 such allegations annually. (FOCUS 79 p.3; Nam 5.8.88; WM 9.9.88)

DESERTERS REVEAL ATROCITIES

In late September and early October, statements by members of the 'security forces' who had deserted from their units yielded more evidence of atrocities. A former member of 101 Battalion stationed at Oluno in The Ovambo bantustan, who deserted in September, claimed that soldiers routinely beat up civilians and destroyed their property when trying to extract information about SWAPO guerrillas. Another deserter, who had served with Koevoet over a five-year period and had most recently also been based at Oluno, testified: 'I have personally witnessed many things which I can rightly

call crimes or atrocities against innocent and defenceless civilians. . . . I hope you will understand if I say to you that I do not even want to recall such crimes.' (Nam 30.9.88; 7.10.88)

SADF, UNITA DEPLOYMENT

The increased reports of atrocities in the war zones coincided with an increase in the number of troops and a strengthening of existing military facilities in the north of Namibia prior to the signing of the December agreement. In July heavy artillery was moved north from Ondangwa military base. Reports in early September indicated major movements to the north of troops and equipment, including armoured cars and field guns. A British newspaper monitored up to 400 vehicles transporting equipment on two successive nights. (SS 13.7.88; Obs 4.9.88)

UNITA have been trained at the Rundu base of the SWATF 202 Battalion. In early September further UNITA forces moved from southern Angola into northern Namibia (see *NAMIBIAN INDEPENDENCE* pp.1–2) and members of UNITA committed acts of violence against Namibian civilians. UNITA forces 'roamed' around the Oshali area and further abroad stealing livestock and assaulting people. In December there was a spate of kidnappings in the Caprivi area by UNITA forces, who took their captives back to bases in Angola. (Nam 2.9.88; 2.12.88; Obs 4.9.88)

ANTI-SWAPO PROPAGANDA

The military authorities launched a campaign against SWAPO amongst residents of the northern war zones in the second half of 1988. In August pamphlets appeared in the Oshakati area, distributed anonymously and mainly at night, when civilians were confined to their homes by the military curfew. A separate series of pamphlets was distributed in the Ombalantu

area, claiming that if SWAPO came to power 'the people of SWA will have no say over what belongs to them'. There were also fake pamphlets in the name of SWAPO attacking NANSO. This was seen by local people as an attempt to encourage division between the two organisations.

In late August, soldiers from the SADF's 101 Battalion at Ondangwa toured the surrounding area in armoured cars warning people of 'the dangers of UN Resolution 435 and the threat of SWAPO and communism'. In the Onayena area of the Ovambo bantustan, 'security forces' visited homes asking residents for whom they intended to vote once Resolution 435 was implemented. (Nam 21.10.88)

A similar exercise took place in the Rundu area of the Kavango bantustan. The local authorities were ordered to gather people under their control at designated spots, where they were addressed by army personnel warning them not to vote for SWAPO. Separate reports indicated that in some parts of the north armed soldiers were 'canvassing villages . . . writing down the names, identification numbers, addresses and political party affiliation of people in the rural villages . . .' (Nam 18/26.8.88; 23.9.88; NCC 24.10.88)

In late November an army telex from the SADF regional office in Rundu, addressed to 'headquarters internal liaison' in Windhoek and leaked to *The Namibian* newspaper, gave details of extensive SADF meetings in the Kavango bantustan to brief local residents on 435. In other areas, soldiers had shown propaganda videos and warned people not to vote for SWAPO. According to the Council of Churches in January: 'Police and army forces are already campaigning for elections. They call people to meetings, offer to plough their fields or provide piped water. This must be urgently and adequately monitored by UNTAG members or the elections will be unfairly influenced.' (Nam 25.11.88; CCN telex to UN Security Council 16.1.89)

PATTERNS OF VIOLENCE

Although the true scale of violence against civilians was obscured by censorship the following patterns emerged in reports in the press between July and November last year:

● **Assaults and beatings** Between July and late November, there were at least 17 reports of beatings and assaults by police and soldiers, involving scores of civilians: they were beaten with fists, sticks and rifle butts, and were kicked and trampled. In another series of incidents, people wearing T-shirts bearing SWAPO slogans or those of the Namibia National Students Organisation (NANSO) or the National Union of Namibian Workers (NUNW) were assaulted. Many sustained serious injuries and had to be hospitalised. The incidents took place throughout the north: many occurred in the area around Ombalantu and in the Eenhana region.

In late September in a series of 'raids', uniformed soldiers, allegedly from 202 Battalion at Rundu in the Kavango bantustan, systematically assaulted residents of Nkurenkuru. Some were beaten with iron bars and two students from the area, Immanuel NDARA and Tauno MARKUS, were reportedly detained. The assaults appeared to be a reprisal following an earlier incident when four soldiers posing as civilians visited the settlement to gather information – one of them was recognised and identified as a soldier and they were forced to leave. During the assaults, the soldiers tried to establish the identities of villagers who had

exposed them. In late October hand-grenades were thrown into homesteads at Nkurenkuru by 'unknown men'. Twelve people were injured. (Nam 8/15/29.7.88, 12/19.8.88; 9/23/30.9.88; 11/25.11.88; NCC 18.7.88)

● **Shootings** In five incidents reported by the press, civilians were shot by troops. In the past many people have been killed by soldiers enforcing the dusk-to-dawn curfew which applies most strictly in the Ovambo bantustan. Seven people were seriously injured when SWATF troops based at Nkongo opened fire on a vehicle without warning. Military headquarters in Windhoek claimed that the vehicle had been violating the curfew. The occupants of the car maintained that the incident took place an hour before curfew and that the army was 'hiding behind harsh curfew regulations' to justify a random shooting.

On 25 August, Jonas SHATJA (19), was killed in cold blood at Oshali by SADF troops. He was shot in front of his family for failing to produce an identity document. The soldiers accused him of being a SWAPO 'terrorist'. In another incident on 9 September a schoolboy, Christoph RAPHAEL (9), was shot dead by SADF troops whilst riding his bicycle at Oihumonawa. They alleged that they mistook him for a 'SWAPO terrorist'. (Nam 5/12/19.9.88; 2/16/28.9.88; CT 28.9.88)

● **Other killings** On 29 September three people, including a pregnant woman and her three-year old child, were killed

when SWATF fired a mortar into their homestead at Emono. A SWATF spokesperson admitted responsibility, claiming it was an accident which had occurred 'during night-time exercises'. Local residents, however, claimed that security forces regularly 'fired wildly around the area' to keep PLAN combatants at bay and to intimidate local people.

In a particularly gruesome incident reported to the Ovambo bantustan administration in early August, members of Koevoet killed a man at Enkolo near Olambo, whom they accused of assisting PLAN fighters. 'When he denied this they beat him up, then they cut off his lips and ears and then they shaved the skin of his face with a knife. When they finished with this, they shot him dead and they ordered the villagers to bury his body', stated the administration. (WM/Nam 9.9.88; Nam 7.10.88)

● **Rape** Three incidents in which members of the security forces raped civilians were reported. Sources at the Oshakati Hospital have said that doctors there treat between 10 and 15 cases each month of women raped by police and soldiers. In one incident two children aged eight and ten were raped by two members of the SADF based at Eenhana. They were subsequently charged for the offence, the only instance in all the 33 reported atrocities in which legal action was taken against the perpetrators. (Nam 9.9.88, 7.10.88, 4.11.88; WM 9.9.88; see FOCUS 80 pp.10–11)

TORTURE IN DETENTION

According to the schedule agreed for the implementation of UN Resolution 435 all political prisoners and detainees should be released between April and June 1989. Information available at the end of 1988 indicated that a large number of detainees were held in conditions of secrecy and risk. The lack of proper records and the dispersal of detainees in unofficial camps rather than at police stations or prisons has increased the danger for detainees and will make the task of monitoring their release more difficult.

The release of Jason ANGULA, SWAPO's Secretary for Labour, highlighted in particular the isolation under which detainees may be held. Angula was detained on 7 October 1987 and held in solitary confinement until 5 December 1988. Unlike most of Namibia's detainees, Angula was well-known in national and international circles as a SWAPO office-bearer and personal assistant to Dr. Abisai Shejavali, general secretary of the Council of Churches in Namibia. He was nevertheless unable to escape fourteen months solitude in the notorious Osire detention camp, 200 kilometres north-east of Windhoek. International medical opinion is agreed that extended solitary confinement in itself constitutes torture. Angula supported this view, stating that he was not physically assaulted while in custody but that over a year spent on his own 'in a metal cell which is two metres wide and three metres long was torture enough.'

Angula spent the entire period of his detention in a small cell constructed of corrugated iron sheeting. He was allowed no clothes

except his underpants and suffered bitter cold in the winter and extreme heat in the summer: 'I felt the freezing cold in my feet coming up my body. I was surprised myself to find the next day that I survived'. He had no exercise the whole time and only the Bible as reading matter. From time to time he heard screaming from detainees held in separate cells nearby but he saw no-one except his guards and interrogators. By the time of his release he had lost a great deal of weight and was suffering from recurring headaches.

Angula was held initially under Proclamation AG 9 and then transferred to Section 6 of the Terrorism Act because this has greater powers to deny detainees access to a lawyer indefinitely. No charges were brought against him, although on a number of occasions police and judicial officers indicated that he was being held in connection with acts of sabotage. On his release he was said to be consulting lawyers with a view to taking out a civil claim for damages. (FOCUS 73 p.2, 74 p.10; Nam 15.7.88, 9.12.88; NCC 6.12.88; South 8.12.88)

Another detainee released from Osire on 5 December was Titus TAAPOPI, a bus driver employed by the Swavleis Corporation. He had been held since 30 March under Proclamation AG 9 and then Section 6 of the Terrorism Act. His release came after he had spent three weeks on hunger strike and he was said to be in a 'very poor state of health'. He had also refused to communicate at all with his captors. Police denied that his release was connected with the hunger strike, saying only that 'interrogation had been completed and . . . no need for further detention existed'. (Nam 9.12.88)

DETAINEES RELEASED

In December it was reported that the following people had been released from detention during

1988. Their detention was not previously reported in FOCUS and the date of their detention is not known: Theodor AKSEL from Okahandja, Victorinu ELENILIU from Okalongo, Niklas FANUEL from Ogongo, Mateus HANDJABA from Omafo, Erasmus HAUKONGO from Omafo, Daniel JOHANNES from Okahandja, Akse KUUTONDOKWA, Tongeni MUTOTA from Okalongo, Valombola NDJOBA, Simon NEKWAYA from Kaokoland and Jason SHIWEDA from Walvis Bay. (NCC 12.12.88)

The following people whose detentions were reported in FOCUS were also released: Haitwa FIKAMENI, Aaron HAULOFU, Erasmus HENDJABA, Gideon N. KAMHULU, Shipandeni MUPOLO, Johannes NEKONGO, Simon NGHIPUNYA, Silvanus PETRUS, Daniel D. SHAANIKA and Salomo UUSIKU. (FOCUS 76 p.10, 77 p.10; NCC 12.12.88)

INQUEST FINDING

In October the Ondangwa Magistrates' Court ruled that 'no-one was criminally liable' for the death in detention in February of Ignatius Ipinge NAMBONDI, a school principal and youth leader. According to police, Nambondi was detained for questioning about a man suspected of possessing a firearm and explosives. His house was searched and nothing incriminating found, but after some days of interrogation police said he admitted knowing of a firearm in the possession of a man he identified only as 'Marcus'.

Press reports at the time said Nambondi had hanged himself by his trousers in a cell at Oshakati police station. Reports of the inquest, however, said he had used his socks as a ligature and was detained at Ondangwa. (FOCUS 76 p.10; WO 15/22.10.88)

CENSORSHIP

The Publications Act forms part of that body of 'restrictive' legislation due to be repealed by the middle of May 1989, as Resolution 435 is implemented. In late 1988 it was used to ban numerous items, as well as to charge activists.

Pendukeni AMUNJELA, from northern Namibia, spent three months in gaol before being acquitted under the Publications Act of possessing an undesirable publication. Amunjela was detained under AG 9 on 5 July and first appeared in the Ondangwa Magistrates' Court exactly a month later for possessing a SWAPO leaflet. After two more months in custody he was released on R100 bail on 6 October and acquitted on 19 October. (Nam 28.10.88)

On 1 November SWAPO Windhoek Branch Secretary for Information and Publicity, Mbapewa MUVANGUA was detained for questioning. His house was thoroughly searched and a number of SWAPO publications confiscated. He was threatened with prosecution under the Publications Act in connection with a T-shirt produced by SWAPO to commemorate Namibia Day on 26 August 1988, which marked 22 years of armed struggle. This was banned on 21 October but police alleged Muvangua wore one when he addressed a SWAPO rally in Rehoboth on 30 October. The event was reportedly recorded on video by the Security Branch. (Nam 28.10.88, 4.11.88)

The South African Government Gazette of 21 October, which banned the Namibia Day T-shirt, also ruled as undesirable issues of 'The Combatant', the SWAPO Information Bulletin, 'The Namibian Woman' and a poster entitled 'Victory to SWAPO Women 1959-87'. It also outlawed a series of pamphlets addressed by PLAN to Namibians serving in the South African armed forces. (GG 11551, 21.10.88)

DETAINEES - Additional to previous FOCUS Lists

Date	Name (age)	Details (where known)
Early '88	Silas IYAMBO (28)	From Oshakati
Feb '88	Samuel FESTUS	From Okongo
10.4.88	Sadrath MUUPANDI	From Omadano
13.6.88	Aina AMUNYELA (18)	From Ombalantu
9.7.88	Andolf FESTUS	From Okongo
10.7.88	Petrus EMVULA	
July '88	Franc SHANINGWA	From Ombalantu
5.8.88	Shali KONDJELA	From Omungwelume
5.8.88	Joseph MATIAS	From Omungwelume
6.8.88	Elifas NGHALA (20)	From Omafu. Rel. by December
7.8.88	Hilja KAULUMA	From Oukwanyama
7.8.88	Ndilimeke HALULENI	From Oukwanyama
30.8.88	Deon HISKIA (18)	Windhoek student
2.9.88	Simeon IYAMBO	From Windhoek. Rel. by December
8.9.88	John HISKIA	AG 9. Student at CCN school, Katima Mulilo. On suspicion of 'terrorism'
22.9.88	Titus AENEMA (30)	{ From Outapi
22.9.88	Titus SHALIMBA (35)	{ Rel. by December
22.9.88	Ndaundako SHAANIKA (19)	From Ombalantu. Rel. by December
6.10.88	Three unnamed people	Following hand-grenade attack on police station, Katutura single quarters
9.10.88	Jonas KEMANYA	From Oshakati area
18.10.88	Leonard Eben ETAS	{ Brothers, detained at
18.10.88	Abalom UUSIKU	{ home in Onayena. Union
18.10.88	Tauno Penta TROPHIMUS	{ T-shirts confiscated
26.10.88	Kambatha SHEYA	From Windhoek
26.10.88	Mika GEORGE	From Windhoek
31.10.88	Festus NANDJIGWA	From Oshakati
9.11.88	Raphael DINYANDU	{ AG 9. Detained by SWATF 202 Battalion,
9.11.88	Nimrod MUREMI	{ Rundu. Rel. January
24.11.88	Ambrosius HAINGURA	AG 9. Detained by army at his Rundu home
25.11.88	Edwin MWENDA	From Katima Mulilo
7.12.88	Unnamed person	TA 6. Reported by the police
Rep. Dec	Mannase MOSES	
Rep. Dec	Anna SHIKONGO	From Oshakati
Rep. Dec	Maria SHOONGELENI	From Oshakati

ABBREVIATIONS: AG 9 - Proclamation AG 9 of 1977; TA 6 - Section 6 of the Terrorism Act

NEW RESTRICTIONS ORGANISATIONS, MEETINGS AND MEDIA AFFECTED



Much of the activity restricted in late 1988 was aimed at showing mass support for opponents of apartheid such as funerals for activists and protests in support of convicted trialists and prisoners.

On 6 December the Commissioner of Police banned under the emergency regulations all meetings organised in support of the Delmas trialists. He said a meeting to protest at the conviction of the 11 defendants due to be held at the University of the Witwatersrand would have 'mobilised the masses . . . and given rise to violence'. Armed police disrupted an alternative church service attended by 800 at the Central Methodist Church. They confiscated film and briefly held Dr Allan Boesak and Rev Frank Chikane. Armed police also dispersed hundreds who had gathered in Cape Town on 14 December to protest at the imprisonment of Ashley Forbes and threatened to charge two Visnews reporters - Tony Weaver and Craig Matthews - under emergency regulations (see *COMPLETED POLITICAL TRIALS*). (*S/CT 7.12.88; CT 15.12.88*)

A rally at Regina Mundi church, Soweto, to welcome Zephania Mthopeng on his release from prison was prohibited in terms of a four-week ban imposed on 4 December on all meetings organised for the 'purpose of honouring Mthopeng'. (*FOCUS 80 p.8; CP 4.12.88; S 5.12.88*)

Prison authorities rejected applications from Wilton MKWAYI and Ivy GCINA to attend the funerals of their relatives.

Irene MKWAYI, co-president of the Release Mandela Committee and a member of the Federation of Transvaal Women (Fedtraw) was buried on 19 December in the absence of her husband Wilton Mkwai, an ANC member jailed for life in 1964. Emergency restrictions prescribing the size, route and nature of her funeral were defied. Police arrested Fedtraw member Amanda KWADI, ordered 500 mourners to be silent and forced their way into the church, where Archbishop Tutu condemned the police intrusion and criticised the government for instructing 'how and . . . when [people] can weep'. (*Star 16/20.12.88*)

There was a strong police presence as hundreds gathered in Kwazakhele in October to bury Mthetheleli GCINA, an alleged ANC combatant shot dead by police in Gugulethu the previous month. At the time of the funeral his mother Ivy Gcina, president of the Port Elizabeth Women's Organisation, remained confined to a cell where she has been detained since June 1986 under emergency regulations. Police killed another son, Mzimasi GCINA in a shootout in Aliwal North in October 1983. (*FOCUS 77 p.7; CP 23.10.88; South 8.12.88*)

The funeral of Smangele MBENENGE was held in Mbekweni in the Western Cape on 6 December after a weekend ceremony had been prohibited under the Internal Security Act. Mbenenge, an alleged ANC combatant, was killed on 7 November during a shootout with police in Soweto, in which another alleged combatant and five police died. A strong army presence barred journalists from the cemetery and troops escorted Mbenenge's brothers. (*NN 8.12.88*)

In December 1988, eight organisations, including five educational bodies from the Western Cape, were prohibited from engaging in any activities. This action brought to 32 the number of organisations restricted under emergency powers since February last year. (*DN 30.12.88; FOCUS 80 p.2*)

Restrictions were imposed on the University of the Witwatersrand Black Students' Society and the Rhodes University Black Students' Movement on 8 December. These campus-based organisations were among 300 organisations subjected to restrictions on meetings under the emergency regulations in July 1986. They were affiliated to the South African National Students' Congress (SANSCO), a UDF affiliate, which was restricted in February 1988. (*FOCUS 67 p.8; WM 15.12.88*)

The Mitchell's Plain Students' Congress and the Western Cape Students' Council were restricted on 14 December. School protests have been widespread in the Western Cape and in July 1988 officials estimated that attendance at Mitchell's Plain and Athlone schools was the lowest in the Peninsula. Lieutenant Bothma, a representative of the Minister of Law and Order, said that the two student groups were 'busy politicising and organising scholars in the Western Cape'. According to a press report, the Western Cape Students' Council was organising a national meeting of students. (*FOCUS 77 p.2; Star 20.7.88; WM 15.12.88*)

The orders on the other four organisations were published on 29 December. One of them, the National Detainees Forum, was launched only a month previously with the intention of providing a national co-ordinating structure to monitor detainees and campaign on their behalf. Such work had been made difficult by the restriction of the Detainees Parents' Support Committee in February. (*FOCUS 80 p.6*)

The Western Cape Teachers' Union (WECTU) and the Democratic Teachers' Union (DETU), which organised amongst Coloured and African teachers respectively, were both formed in 1985. They had been engaged in talks aimed at the formation of a single national teachers' body to be aligned with COSATU. In October 1988 WECTU and DETU took part in a meeting of six teachers' organisations which resolved not to take part in the municipal elections or allow schools to be used as polling stations. They also condemned the detention of teachers and students. COSATU commented that the meeting brought 'the ideal of a single teachers' union with more than 100,000 members closer to being realised'. (*South 13.10.88; SS 4.1.89*)

Members of both unions have been harassed. Five DETU executive members were suspended by the Department of Education in March 1988 for alleged misconduct. A support campaign was taken up by parent, teacher and student associations, WECTU and the Peninsula African Teachers' Association. A disciplinary hearing was due to be heard in February. Another of the unions included in the talks, the Cape Teachers Professional Association (CTPA), had one of its meetings banned under emergency regulations in November. The CTPA

adopted the Freedom Charter in June. (*NN 1.9.88; CT 25.11.88; South 13.10.88, 1.12.88*)

The Western Cape Students' Congress is a UDF-affiliated group which, according to Lieutenant Bothma, 'also played an active role in the people's education struggle'. (*BBC 31.12.88*)

FOREIGN FUNDING

In November, the government published a Disclosure of Foreign Funding Bill. It replaced the Promotion of Orderly Internal Politics Bill, which had met with opposition both inside South Africa and internationally, including threats of economic actions by the Federal Republic of Germany and Switzerland. (*FOCUS 76 p.3; S 30.11.88*)

Under the terms of the new bill, all organisations and individuals who have been officially notified must reveal all sources of external funding and have their books audited. A Registrar of Reporting Organisations and Persons will be appointed to administer the new measure. There are penalties of R40,000 and/or 10 years' imprisonment for those who refuse to comply with the provisions or who use foreign funding for a purpose other than the one declared to the Registrar. The new bill does not include previous provisions which would have enabled the government to declare organisations or individuals restricted if they were engaged in any political activity. (*CT 29.11.88*)

PRESS THREATENED

Three weeks after its launch on 3 November, *Die Vrye Weekblad*, an Afrikaans independent weekly, was informed by the Minister of Justice that its registration was being withheld pending an investigation in terms of the Internal Security Act to determine whether it 'expressed views' of an 'unlawful organisation'. Whilst this decision was awaited the paper paid the registration fee of R30,000. (*S Trib 20.11.88; WM 2.12.88*)

In November an investigation under the Prisons Act was initiated against the *Star* and *Vrye Weekblad* for the publication of a photograph of Nelson Mandela. The *Star* was also subjected to scrutiny under the Police Act following a report referring to 'police action' at a squatter camp. (*Star 29.11.88*)

On 11 January the Minister of Home Affairs informed four anti-apartheid papers that investigations under emergency regulations for publishing 'subversive propaganda' had been initiated. *Al Qalam*, a Muslim monthly newspaper, had not previously been warned although an issue was seized, but *Work in Progress*, *New Era* and *Grassroots* received warnings under the last emergency and thus their closure was subject to only one written notice. As unregistered publications they could be closed down for up to six months. In November, the *Natal Witness* was informed of a similar investigation and also of another investigation assessing possible contravention of the Internal Security Act following a report quoting a listed person - Harry Gwala. (*FOCUS 77 p.5, 79 p.5, 80 p.8; BBC 14.1.89*)

DETENTIONS

Over 100 people detained under the State of Emergency since 1986 were still being held in August 1988, according to the Human Rights Commission. One of these, Amos MASONDO, an organiser for the General and Allied Workers Union (GAWU), was detained during the 1985 partial State of Emergency, briefly released after it was lifted in 1986, only to be redetained in June when it was renewed as a nationwide measure.

LONG-TERM DETENTION

A careful examination of the available list of those held, the conditions to which they are subjected and the regime's response to their efforts to secure their freedom, reveals the importance of detention in the repression of opposition. (*South 1.12.88; WM 23.12.88*)

The list opposite shows that those who have been held for a very long time are mainly office bearers of the UDF or of organisations affiliated to it. During the latter part of last year, a number of detainees were released. Among them were leaders who had been held for lengthy periods and who on their release were served with banning orders which limited their ability to participate in the work of their organisations. These methods of repression were used to deal with major campaigns, commemorative events or such events as the anti-apartheid conference organised by COSATU which was banned in September. (*FOCUS 78 p.5, 79 pp.4, 11; S.Star 25.9.88*)

The following figures for detentions under the State of Emergency were given by the Human Rights Commission in a fact paper published at the end of August and in subsequent statements. The figures were given as approximations.

12.6.86 – 31.12.88	32,000 detained
11.6.88 – 31.12.88	2,000 detained
End of 1988	1,500 in detention
Held for over one year	1,000
Held for over two years	Over 100
Children under 18	100

Human Rights Commission, Fact Paper No. 1, August 1988; South 20.10.88; SS 2.11.88; WM 23.12.88

Following the convictions of some of those involved in the Delmas Trial (see *POLITICAL TRIALS*), lawyers were reported to be expecting a similar trial involving some of those listed opposite. This fear was increased by the news that the Attorney General was studying a docket on the detainees submitted by police. (*South 19.1.89*)

COURTS SUPPORT EMERGENCY POWERS

The government's response to efforts by detainees and their supporters to secure their release or highlight their conditions showed a determination to exclude outside intervention on behalf of detainees and an attempt to isolate them from the world outside prisons. The number of court applications challenging the Minister of Law and Order's powers to detain decreased significantly in the face of a regular refusal by courts to grant release.

The position of the courts was summed up in the response to an application by Trevor

Manuel and others to have their detention orders nullified. The Minister of Law and Order argued that in 1985 Manuel had been involved in 'peoples' education' and several stay-aways and that he had made several agitational speeches. In an affidavit, the Minister also stated that before his redetention on 21 September 1988, Manuel was heading a sub-committee of the UDF to discuss the organisation of the anti-apartheid conference (see *above*). In dismissing the application Justice Howie stated that whether the reasons put forward by the minister were true or not was irrelevant, because it was outside the jurisdiction of the court to question the minister's decision. The court only had to be satisfied that the Minister acted in good faith. In Manuel's case the court found that he had done so. (*FOCUS 77 p.6; CT 16.11.88; Star 23.11.88*)

DETAINEES' STRUGGLES

Publication of information about the conditions of detention which comes to light during court applications is restricted by a regulation introduced in December 1986. This prohibits publication of such information until a case is completed. On occasions where information about detainees' protest actions reached the public, the prison authorities proved reluctant to confirm the information and in some instances denied reports of actions taking place in prisons. Between May and September 1988, there were at least seven known hunger strikes involving 304 detainees according to the Human Rights Commission (see *FOCUS 78 p.10, 79 p.7, 80 p.7*).

In December the prison authorities accused unnamed organisations and individuals of publishing a statement which was later attributed to emergency detainees held at the Johannesburg Prison. The prison authorities were attempting to deny the authenticity of the letter and to discredit those who published it. In their letter the 180 detainees predicted 'a cloudy future' for themselves as they claimed that they were 'reduced to a gruelling battle for survival under harsh prison conditions. We are treated like criminals and we have no meaningful access to courts of law to prove our innocence.' The detainees said that they had borne all the hardships of detention with 'heroic valour'. They undertook to go on a one-day hunger strike on 12 December to mark United Nations' International Human Rights Day and 30 months of the State of Emergency. This action was confirmed by prison authorities who, however, continued to deny that the detainees had written the letter which announced the planned action. (*S 12.12.88; CT 13.12.88; WM 23.12.88*)

Detainees held at St Albans Prison, some of whose names are included in the list, issued a memorandum in which they outlined measures they had taken to improve their conditions. They sent a memorandum to the Attorney General in December 1987, to Justice Rudolf of the Eastern Cape Division of the Supreme Court in January 1988, to the commanding officer of St Albans Prison in May/June 1988 and to the Prison Department's inspectorate in June. The detainees said the only response had been a series of promises which were never fulfilled. On previous occasions, detainees from different prisons have made such representations to various authorities, including the Minister of Law and Order.

In the memorandum the detainees indicated ways in which the authorities prevented them from receiving expressions of support. They said correspondence from abroad and friends was not passed on to them; nor were greetings and sympathy cards or photographs including ones from relatives. Visitors were only allowed

on week days and then only at the discretion of Minister of Law and Order. The banning of the Detainees Parents Support Committee (DPSC), the Detainees Support Committee and the National Detainees Forum have all furthered government efforts to isolate detainees from the public. The Human Rights Commission, established after the DPSC was restricted, continued to monitor detentions and in some instances already existing professional bodies like the National Medical and Dental Association (NAMDA) and the National Association of Democratic Lawyers (NADEL) have also taken up the cause of detainees. (*FOCUS 76 pp.2,6; NN 10.11.88; CP 4.12.88; Star 5.12.88; CT 5.1.89*)

The Minister of Law and Order secured a Supreme Court ruling on 31 October 1988, ordering Dr Paul Davis, who had treated some detainees after their release from detention, to hand over names, addresses and any other information on patients who had sought treatment from him. This followed an article published in the Johannesburg *Star* of September 1986 in which he estimated that four out of five ex-detainees showed medical evidence of physical abuse. In their memorandum, detainees held at St Albans Prison also reported negligence on the part of medical staff and a reluctance by prison authorities to refer detainees for treatment to outside hospitals and specialists. The former head of the Medical Association of South Africa (MASA) Jonathan Gluckman said, 'unhappily we have had colleagues who not only did not show any courage, but may be said to have been in collusion with those ill-treating detainees and prisoners.' (*SS 2.11.88; CT 2.12.88*)

DEATHS AND INQUESTS

On 1 December 1988, Amos KHOZA (18) died only a few hours after he was detained by police in Klerksdorp. Khoza, whom the police alleged had been recruited by the ANC for military training abroad, was suspected of possessing arms. According to statements by the police during interrogation, Khoza 'agreed to point out' a flat where, prior to his arrest, he was alleged to have made contact 'with an ANC member'. On the way to the flat, the police alleged that he managed to throw himself over a wall and consequently fell to his death from the seventh floor of the building. (*Star/GN 2.12.88; BBC 3.12.88*)

Eye-witness accounts revealed that Khoza was handcuffed and his feet manacled at the time of the fall. He was also being followed by two policemen. With this news concern grew about police handling of detainees, especially those detained in relation to armed struggle. (*Ind 3.12.88; CP 4.12.88*)

Khoza's death occurred a few weeks after the detention and hospitalisation of Robert Manah MAHLETE (MALITI). He had been detained on 23 October, allegedly in possession of a limpet mine, close to the Minister of Law and Order who was attending an official ceremony in the Crossroads squatter community in the Western Cape (see *FOCUS 80 p.7*).

Information has come to light indicating that police told doctors at the hospital where they took Mahlete that he 'accidentally fell down a flight of stairs'. This contradicted earlier evidence gathered by the *Cape Times* that Mahlete sustained injuries during his arrest and transportation from the scene of the arrest. Police, who earlier claimed that Mahlete was a 'highly trained terrorist', confirmed statements by his family that he had never left the country for training abroad and that he had 'no political profile'. Initial charges against Mahlete under the Explosives Act were dropped pending

further investigation. Mahlete remained in detention under Section 29 of the Internal Security Act which allows indefinite detention for interrogation. (FOCUS 80 p.7; CT 24.10.88, 15.11.88, 27.12.88; DN 27.12.88; S 28.12.88)

An inquest into the death on 26 August 1987 of Caiphus NYOKA, a former member of the Congress of South African Students (COSAS) started on 7 December last year. Police said they had information that Nyoka possessed weapons and went to his home to investigate. They said that they fired at him when he allegedly tried to reach out for what

appeared to be a knife. Moses Nyoka, his father, told the court that police 'killed his son, took him away without even informing him that he was dead'. The inquest was postponed until an unspecified date this year. (FOCUS 73 p.6; S 8.12.88; WM 9.12.88)

Nyoka was among those requested by the Minister of Justice in January 1989 to state within 30 days why they should not be listed in terms of the Internal Security Act. It is not clear how such representation would be made in Nyoka's case. (NV 2.1.89)

At an inquest, which opened on 14 Decem-

ber, into the death of Ashley KRIEL on 9 July 1987, the state pathologist, Mr. Duncan Lamont, confirmed the earlier findings of a pathologist engaged by Kriel's family that he was shot at point-blank range from behind. Police have given contradictory reports on the circumstances that resulted in Kriel's death. An application by the family to have an open hearing to allow cross examination of the police involved and to hear evidence from witnesses was granted. The inquest was postponed to 22 February. (FOCUS 79 p.8; South 15.12.88)

DETAINEES - Additional to previous FOCUS lists

Approx. date	Place	Name (age)	Details (where known)
9.11.88	Cape Town	OILA, Simphiwe	ISA 29
18.11.88	Cape Town	HANS, Ncumisa (30)	ISA 29. Legal Resource Centre
18.11.88	Paarl	XHEGWANA, Gcobani	ISA 29
Rep.19.11.88	Butterworth	MBANDAZAYO, Mahlubi	TPSA. Brothers, detained with third brother Lungelo who was later released
Rep.19.11.88	Butterworth	MBANDAZAYO, Thwasile	
Rep.19.11.88	Umtata	STEMELA, Misile	TPSA. Transkei Council of Churches field worker
Rep.19.11.88	Umtata	TAYO, Mphitzeli	TPSA
Rep.23.11.88	Klip River	Two unnamed people	ISA 29. After discovery of arms in the area
Rep.24.11.88	Cape Town	JACK, Buyiswa	ISA 29. Western Province Council of Churches Field worker
Rep.7.12.88	Umtata	MAJAMA, Mlindeli	TPSA
Rep.7.12.88	Umtata	MALAMLELA, Xolani	TPSA
Rep.8.12.88	Landsdowne	ABRAHAMS, Lucy	ISA 29. Former MWASA Organiser - missing for 3 years
Rep.8.12.88	Transvaal	NYEMBE, Gerald	ISA 29. Alleged trained guerrilla. Husband of Lucy Abrahams
15.12.88	Ventersdorp	Five unnamed people	ISA 29. Shootout in which policeman was wounded and firearms seized

LONG-TERM EMERGENCY DETAINEES IN THE EASTERN CAPE

Listed below are some of those who were detained under the emergency regulations in the Eastern Cape during 1986 and were reported in December 1988, more than two years later, still to be in detention

Name (Age)	Details, where known	Name (Age)	Details, where known
BOBOTYANA, Aaron (31)	From Queenstown	MBOMBO, Hartley	
BONO, Sithembele (27)	From Port Elizabeth Elizabeth	MCITEKA, Vuyisile (27)	From Queenstown
BONYA, Michael (42)	PEBCO	MDATYULWA, Xolela (30)	From Queenstown
CAPTAIN, Michael	From Port Elizabeth	MDONGWE, Jackson	Former vice-president, PEBCO
FAZZIE, Beauty Buyiswa	Eastern Cape UDF women's organiser	MEMANI, Sandile (32)	From Port Elizabeth
FENI, Vukile (33)	From Queenstown	MINI, Zixolene Boyce	From Port Elizabeth
FIHLA, Benson (60)	From Port Elizabeth	MNTONGANA, Silas (52)	From Port Elizabeth
GADENI, Siphon (24)	From Port Elizabeth	MPOFU, Michael (23)	From Port Elizabeth
GAXA, Sakhiwo (19)	From Port Elizabeth	MPOFU, Temba (24)	From Port Elizabeth
GOGELA, Siphon (44)	From Port Elizabeth	MTANA, Bonisile (28)	From Port Elizabeth
GOJELA, Zandisile (33)	PEBCO	MTATSI, Zola (25)	From Port Elizabeth
GONIWE, Mbulelo (29)	Midlands Council of Churches field worker	MTENGWANA, Thembekile (19)	From Port Elizabeth
GOTYI, Samson (44)	From Port Elizabeth	MVULA, Majolandile (22)	From Port Elizabeth
HENENE, Luyanda	From Port Elizabeth	NDLEBE, Nelson Winkie	
JACOB, Mlungwana (35)	From Port Elizabeth Cradock Youth Congress.	NGCUME, Thembanani (41)	From Port Elizabeth
JACOBS, Madoda (26)	Acquitted of murder charge (FOCUS 76 p.5)	NGESI, Zwelakhe	From Port Elizabeth
JEKWA, Daluxolo	From East London	NGOBONGWANA, Michael (24)	From Queenstown
JOHNSON, Lulu	From Port Elizabeth. Former COSAS President	NGXOKWANA, Mangaliso (47)	From Port Elizabeth
JORDAN, Thethinene	Border UDF organiser	NGXUBE, Lindile	From Port Elizabeth
KAIZER, Yongama (23)	From Port Elizabeth	NIKANI, Khayaletu	From Port Elizabeth
KLIMBASHA, Wiseman	From Stutterheim	NKWENTSHE, Thozamile (42)	From East London
LUTYWANTSI, Siseko (27)	From Port Elizabeth	NONDUMO, Sizwe	From Port Elizabeth
MADALANA, Patrick	From Port Elizabeth	NZOTOYI, Michael (48)	PEBCO executive member
MADODA, Themba (23)	From Port Elizabeth	SAM, Mkhululi (20)	From Port Elizabeth
MAGABA, Mzwandile (21)	From Port Elizabeth	SIDANDALA, Nomathemba (48)	From Queenstown
MAKANA, Lindile (24)	From Somerset East	SITHOTHOTH, Mncedisi	From Uitenhage
MAKAPELA, Xola (35)	From Port Elizabeth	SIWULA, Sonwabo (27)	From Port Elizabeth
MAKEBA, Lucky (24)	From Queenstown	SIZANI, Stone	UDF publicity secretary
MAKUPULA, Mtutuzeli		SOJOLA, Vuyisile (21)	From Port Elizabeth
MALANGENI, Vuyisile (28)	From Queenstown	SOKUTU, Ludumo	
MANGALI, George	From Port Elizabeth	SOMGQEZA, Ayanda (19)	From Port Elizabeth
MANGOASE, Themba (25)	From Port Elizabeth	TESANA, Zola (29)	From Somerset East
MANKAYI, Lindile (24)		TEYISE, Melile	From Port Elizabeth
MAQAQA, Phakamisa (20)	From Port Elizabeth	TOFILE, Michael	From Port Elizabeth
MATHABEKA, Dumo (38)	From Port Elizabeth	TOM, Andile Patrick (24)	From Port Elizabeth
MATOTO, Lulamile (20)	From Port Elizabeth	TSOKO, Themba	
MBIKANYE, Collin (21)	From Port Elizabeth	TWANGA, Nelson	
		VETO, Mpumelelo (24)	From Port Elizabeth
		WILLIAMS, Mbulelo (25)	From Port Elizabeth
		WILLIAMS, Solomzi (21)	From Port Elizabeth
		YANA, Archie (19)	From Port Elizabeth

ABBREVIATIONS

LAWS: ISA 29 - Internal Security Act, Section 29; TPSA - Transkei Public Security Act. Organisations: COSAS - Congress of South African Students; MWASA - Media Workers Association of South Africa; NECC - National Education Crisis Committee; PEBCO - Port Elizabeth Black Civic Organisation; SAAWU - South African Allied Workers Union; UDF - United Democratic Front.

POLITICAL TRIALS

BALEKA AND OTHERS DELMAS TREASON TRIAL

The trial of Patrick BALEKA and others was concluded in the Pretoria Supreme Court on 8 December when four defendants were sentenced for treason and another was imprisoned for 'terrorism'. Of the original 22 defendants who pleaded to the charges in January 1986, eleven were acquitted in the course of the trial, while six others were convicted of 'terrorism' and given wholly suspended sentences.

The trial stemmed mainly from events in the Vaal Triangle in late 1984 when a proposed rent increase provoked massive protests. Since then, the regime had sought a court ruling that these and other protests nationwide were part of a co-ordinated UDF-ANC strategy rather than a response to local and even national grievances. The state's case fell into two parts - to show a treasonable conspiracy between the ANC and the UDF, aimed at the overthrow of the government, and secondly to prove that the UDF and its affiliate, the Vaal Civic Association, had organised the uprisings which began in the Vaal townships of Sebokeng and Sharpeville on 3 September 1984. The state's intent was shown by the choice of murder as one of the alternate charges to the main charge of treason. This related to the deaths of four councillors and one other person in the Vaal protests. (*For coverage of the earlier stages of the trial see FOCUS 60 p.p.4-5, 64 p.6, 66 p.4, 69 p.6, 70 p.7.*)

Fourteen of the nineteen accused gave evidence in their own defence - some giving details of their own participation in the Vaal protests, while Lekota and Molefe in particular, expounded on the development and policies of the UDF, each taking the witness stand for a month. Molefe refuted the suggestion that the UDF was formed solely in response to a call from the national executive of the ANC in January 1983 to 'organise all democratic forces into one front for national liberation'. He traced the origin of the UDF from much earlier calls for a broad front. Both outlined the UDF's commitment to non-violence. In his judgment Justice van Dijkhorst acknowledged that the UDF's campaign against the tri-cameral parliament was non-violent but described this as a tactic adopted to avoid alienating potential supporters amongst the Indian and Coloured voters.

This misuse of the South African judicial system for political purposes is deplorable. Several of these defendants are highly regarded spokespersons for peaceful black opposition . . .

Response by United States' State Department to the Delmas Trial convictions

The state had sought to prove a conspiracy between not only the UDF and the ANC but also AZAPO. In the end, those convicted of treason were either UDF leaders or, in the case of Thomas MANTHATA, a fieldworker with the South African Council of Churches (SACC) and a member of the Soweto Civic Association, someone who was said to identify with the UDF's aims. Manthata was sentenced to six years' imprisonment. His conviction derived from his role as a speaker at a meeting held in response to the impending rent rise. State witnesses alleged that speakers at this meeting, on 26 August at Small Farms in Evaton, had called for the murder of councillors responsible for implementing the rise.

Terror LEKOTA, the UDF's publicity secretary, Popo MOLEFE, its general secretary, and Moss CHIKANE, former Transvaal secretary, were convicted on the basis of van Dijkhorst's judgment that a dominant core of the UDF functioned as an internal wing of the ANC and

formulated and executed policies aimed at mobilising the masses to make South Africa ungovernable. Lekota, who has already served a six-year term on Robben Island, received a 12-year sentence while Molefe and Chikane received 10 years' each. Criticism of the convictions focussed on the fact that no specific treasonable acts had been named.

Controversy also surrounded the treatment of the other seven, mainly members of the Vaal Civic Association, who were convicted of organising the protest: Serame Jacob HLAN-YANE, Gcinumuzi Petrus MALINDI, Hlabeng Sam MATLOLE, Sekwati John MOKOENA, David MPHUTHI, Naphthali NKOPANE and Tebello Ephraim RAMAKGULA.

Malindi, a former COSAS activist who was shot in the head at the time of his arrest at a funeral in September 1984, was given a five-year custodial sentence. He had a previous conviction for stoning buses in 1981, a fact the judge took into account. The others had their sentences wholly suspended but on such strict conditions that they amounted to virtual banning orders. As well as the usual conditions that they should not be convicted of certain offences the men were forbidden, for two years, from giving interviews or public statements; from attending any gathering of more than 20 people except for bona fide church services and sports meetings; from participating in or serving on the executive of any political or youth organisation, and from participating in or organising any public protest.

The following defendants were acquitted: Amos MALINDI, Lazarus MORE and Simon VILAKAZI at the end of the prosecution's case in November 1986; and Patrick BALEKA, Oupa HLOMUKA, Petrus MOKOENA, Rev. Jeff MOSELANE, Simon NKOLI, Thabiso RATSOLO, Jerry TLHOPANE and Bavumile VILAKAZI in November 1988.

MASEKO AND OTHERS

On 16 January, the Pretoria Supreme Court sentenced Acton Mandla MASEKO (37) and Ebrahim Ismael EBRAHIM (51) to lengthy prison terms of 23 and 20 years respectively after convicting them of treason. The third defendant, Simon DLADLA (39), received a 12-year sentence for 'terrorism'. (*Initial reports mistakenly reported that Dladla, not Maseko, was convicted of treason - see FOCUS 80 p.4*)

Media interest in the trial, which commenced in August 1987, focussed on Ebrahim, a former ANC political prisoner, who was kidnapped from Swaziland in December 1986. (*FOCUS 69 p.12, 70 p.11, 73 p.8*) Ebrahim joined at least two other prisoners who have stood trial after being abducted. In 1977 Joseph Nduli and Cleopas Ndhlovu were sentenced to 18 and 15 years respectively after being kidnapped from Swaziland. (*FOCUS 6 p.5, 12 p.9*)

Maseko and Dladla were alleged to have carried out a series of landmine attacks in the eastern Transvaal between April and June 1986 which Ebrahim was said to have directed from his alleged position in the ANC's political and military structure in Swaziland. Ebrahim's defence denied he was involved in the ANC's military command structure saying that after leaving South Africa in 1981 he had played a purely political role. Between 1964 and 1979 Ebrahim served a 15-year term on Robben Island for acts of sabotage.

Both Maseko and Dladla led evidence to challenge the admissibility of statements taken from them in detention: they were partially suffocated and tortured by electric shocks to the genitals. Dladla also suffered a perforated ear drum. Dladla's statement was ruled admiss-

able, though Maseko's was not. Very little other reported evidence concerned Dladla. (*WM 16.10.87; NN 22.10.87*)

Most of the evidence against Ebrahim came from unidentified state witnesses who described themselves as former ANC members. Photocopies of documents allegedly made by a police spy in the ANC's headquarters in Lusaka were also submitted as evidence. Helena Pass-toors, who was sentenced to 10 years for treason in 1986, was subpoenaed as a witness but not called. Tapes of a conversation recorded between her and Ebrahim at a hotel in Durban in 1985 were, however, tendered as evidence. (*DN/Star 19/23.2.88; Star 11/15/16.3.88; South 4.5.88*)

Two other potential state witnesses were Arthur MSIMANGO and Adam MALATJIE who were picked up along with Dladla and Maseko at a roadblock near Pretoria in June 1986. Although detained under Section 31 of the Internal Security Act in order to testify for the state they were not called and defence attempts to get access to them were rejected by the court. (*Star 27/30.10.87*)

Another state witness who failed to appear was Shirish SONI, a former detainee who suffered permanent psychiatric damage during his detention in 1985 and who was apparently excused on medical grounds. (*FOCUS 61 p.2; Star 16.8.88*)

The defence refuted the state's evidence of the ANC's structures by means of evidence taken on commission in London from six leading ANC members: John Nkadimeng, Vusi Khumalo, Jacob Zuma, Ronnie Kasrils, Tozi Memela and Johannes Mkhwanazi. They undermined the state's case in a number of material aspects and also outlined the ANC's strategy for armed struggle with its emphasis on the avoidance of civilian casualties whenever possible.

Also giving evidence for the defence was Vusumuzi SINDANE, a convicted prisoner whose trial in the Ermelo Regional Court in May 1987 had apparently received no press coverage. Shackled in leg irons, Sindane, who was shot while allegedly attempting to smuggle arms from Swaziland into South Africa, is now serving a 17-year prison term. He testified on behalf of Maseko. (*South 6.10.88; WM 7.10.88*)

A fourth accused, Vusumuzi Vivian NENE (33) who appeared with the other three in August 1987, was later tried separately in the Pretoria Regional Court. He pleaded guilty to three counts of 'terrorism'. (*Star 7/8.9.88*)

On 21 November Maseko, Ebrahim and Dladla were also convicted in Pretoria, where the trial had moved after earlier hearings in Piet Retief and Bethal. None of the accused gave evidence but Ebrahim and Maseko made statements about their background and motivation to Mark Orkin of the Community Agency for Social Enquiry, who then submitted them as part of his evidence in mitigation. Justice Daniels ruled that there was doubt over Dladla's nationality, whether South African or Swazi, so he was acquitted of treason and convicted on the alternate charge of 'terrorism' for his role as a courier. Justice Daniels said Maseko had narrowly avoided a death sentence because no-one was killed in the landmine explosions he allegedly carried out. He found that it 'did not make much difference' whether Ebrahim belonged to the ANC's political organ or military wing . . . because their aims were the same, to overthrow the South African government violently.' He conceded there was no evidence he had masterminded the landmine attacks. (*DN 22.11.88; Star/S 17.1.89*)

OTHER COMPLETED TRIALS

FORBES AND 13 OTHERS

Sentences of up to 15 years were handed down by the Cape Town Supreme Court to 14 Western Cape residents on 14 December 1988. (See *FOCUS 79 p.8* for coverage of trial)

Six of the defendants were convicted on charges of involvement in ANC guerrilla activities: Ashley FORBES (22) was sentenced to 15 years; Peter JACOBS (22) and Nicklo Louis PEDRO (20) were both jailed for 14 years; Anwar DRAMAT (19) was jailed for 12 years; Nazeem LOWE (23) and Clement BAADJIES (20) were given 10-year prison terms. Seven of the defendants were found guilty of providing assistance to guerrillas: David FORTUIN (23), Jeremy VEARY (25), Wayne MALGAS (22) and Ashraf KARRIEM (22) were given two-year terms, whilst Walter RHOODE (25), Colin CAIRNCROSS (23) and Colin PETERSEN (23) were given suspended sentences. The final defendant, Leon SCOTT (30), was convicted of promoting the aims of the ANC and given a suspended sentence. (*South 15.12.88*)

MGOATSA AND TIYO

The East London Regional Court imprisoned Mgcineni MGOATSA (53) and Thozamile TIYO (24) for 10 years each on 16 November 1988. They were convicted under the Internal Security Act on charges of undergoing military training on behalf of the Pan Africanist Congress of Azania (PAC) and possessing arms and explosives. They were arrested in the Bophuthatswana bantustan in February 1987 allegedly in possession of two Scorpion machine pistols, ammunition and explosives. They were then disarmed, stripped naked, blindfolded and put in a car boot. (*DD 28.11.87, 13.4.88; Star 22/27.4.88; CT 17.11.88*)

PULE

Abraham PULE (46) was sentenced in the

Johannesburg Regional Court to nine years imprisonment on 24 November 1988 after being found guilty under the Internal Security Act of bringing arms into the country and establishing an arms cache. The charges related to the period 21 April to 2 May 1987 and referred to only one trip by Pule.

The state alleged that arms were found in a car Pule was driving. It was further alleged that he buried eight limpet mines in Naledi, Soweto. Pule denied all charges, explaining that he had gone to Botswana to see his sick father.

Pule, described in one report as a Lutheran minister, was detained near Zeerust in May 1987. He told the court that he was taken to a spot near the Lutheran Church in Naledi by the police who then dug a hole and removed a plastic bag. He said that, for fear of assault, he followed police instructions to point at the spot while photographs were being taken. (*Star 20/22.1.88; S 22.1.88, 28.6.88; CT 25.11.88*)

RAMAHLO

Following a guilty plea an ANC member Mphetula Gibson RAMAHLO (42) was sentenced to eight years' imprisonment in the Johannesburg Regional Court on 21 November 1988 after being convicted of 'terrorism'. He admitted leaving the country in 1978 and undergoing military training. He said he returned to South Africa in 1985 with AK-47 rifles and grenades. He was arrested in January 1988 but had not carried out any armed actions. (*Star 22.11.88; CT 24.11.88*)

SEROKE AND OTHERS

Jaki SEROKE (28), Mandla Njabula CELE (24) and Thembinkosi Patrick KHONONGWE (24) were convicted of 'terrorism' and membership of a banned organisation in the Springs Regional Court on 9 December 1988. All three were detained in September 1987.

The court found that the three were

members of the PAC and that Cele and Khonongwe had undergone military training abroad. The magistrate judged that Seroke did propaganda work for the PAC within South Africa but that he had not undergone military training. Seroke, the editor-in-chief of Skotaville Publishers and a member of the African Writers' Association, has been detained on at least two other occasions, and has also served a nine-month sentence for possession of banned literature.

During the trial the defence lawyers unsuccessfully asked that statements made by the defendants to magistrates soon after their detention be ruled inadmissible because they had not been made freely. Seroke and Cele both said they were assaulted while Khonongwe testified that he was told that if he made a statement, he would not be prosecuted but made a state witness. This was confirmed in a letter to his lawyers informing them that their client was no longer detained under Section 29 of the Internal Security Act but was being held as a state witness in 'protective' custody under Section 31.

Three other people detained under Section 31 at the same time as the defendants appeared in court as state witnesses. Although expected to give evidence anonymously, two chose to be named. Maropodi MAPALAKANYE (34) said his genitals were pulled by police and that he was forced to sign a statement. Vincent MFUNDISI denied all knowledge of the events in question. A third unnamed man gave state evidence 'satisfactorily.' It was on the basis of his evidence and their own statements obtained under duress and deception that the three were convicted.

Effective sentences of 10 years were handed down to all three defendants. (*FOCUS 25 p.21, 35 p.3, 61 p.5, 73 p.7; S 8/25.4.88, 1-5.8.88, 6-9.9.88, 29.11.88, 12.12.88*)

DEATH SENTENCE APPEALS

As fears increased for the lives of a number of condemned prisoners whose appeals had failed, campaigns for all those facing execution were stepped up. Appeal court rulings in late 1988, which led to release for some prisoners and the replacement of the death sentence by prison terms for others, could not disguise the essentially repressive nature of the legal system. Nevertheless, calls for mandatory appeals in capital cases are being made, pending a moratorium on the use of the death sentence, or even its total abolition, a demand being made with increasing urgency.

Two miners from the Vaal Reefs gold mine, Solomon Mangaliso NONGWATI and Paulos Tsietsi TSEHLANA, were acquitted and released from Pretoria Central Prison on 1 October. They were convicted in May 1987, with Tjeluvuyo MGEDEZI, of the murder of four team leaders at the mine. Mgedezi won his appeal in respect of two of the convictions but still faces execution on the two other counts of murder. (*FOCUS 71 p.7; Star 3/4.10.88; WM 7.10.88*)

In January the National Union of Mineworkers (NUM) launched a major campaign to save Mgedezi and another NUM leader Lucky NOMGANGA who was sentenced to death in September 1988. Nomganga, a shaft steward at the Western Holdings gold mine in Welkom, was condemned for his alleged part in the killing of a mine engineer and a security guard during protests against dismissals at the mine in June 1987. Eight other NUM members were sentenced to lesser terms for murder with extenuating circumstances. The prosecution alleged that Nomganga initiated the fatal

attack, rather than physically participated in it.

Mgedezi too, the leading shaft steward at No.5 shaft of the Vaal Reefs Gold mine, was convicted on the grounds of 'common purpose'.

In December, the Commercial, Catering and Allied Workers Union launched a petition on behalf of one of their shop stewards, William Mzazile NTOMBELA, who recently lost his appeal against the death sentence. He was convicted following a dispute at Nel's Dairy in Johannesburg in June 1986. (*FOCUS 75 p.2; Star 9.12.88; S 15.12.88*)

Three others who recently lost their appeal are Patrick MANGINDA, Dickson MADIKANE and Desmond MAJOLA from Oudtshoorn's Bhongolethu township, who were convicted in September 1986 of the murder of a local councillor. Since their trial an important new eyewitness, the niece of another councillor, has come forward. Her evidence in particular supports that of Madikane and Manginda who both deny being present. The Appellate Division refused to reopen the trial to hear her evidence and also rejected their appeal against conviction. Lawyers then petitioned President Botha to reopen the trial.

Justice Lategan, who sentenced them to death, was recently the subject of a legal storm when a death sentence he had imposed was overturned in the Court of Appeal on the grounds that it was 'shockingly inappropriate'. (*FOCUS 68 p.7; NN 22.9.88; CP 2.10.88; CT 1/2/7.12.88*)

The United Nations Secretary General, Javier Perez de Cuellar, intervened personally on behalf of condemned ANC combatant

Robert McBRIDE when he met President Botha in Pretoria in September. A petition for clemency was submitted in June 1988.

On 16 September Thembile LUBELWANA (24), from Port Alfred, was acquitted and released after spending 19 months on Death Row for allegedly killing a police informer. His sentence was not previously reported in FOCUS. (*EPH 21.9.88; Grocotts Mail 23.9.88*)

At the end of November Thembiseli BANETI was freed from Middelburg Prison in the Ciskei bantustan where he had been awaiting execution since his conviction a year earlier. Baneti and his four co-accused won their appeal against both conviction and sentence on the grounds that the state witnesses were unreliable. (*Focus 75 p.2; CP 27.11.88*)

Miki YELANI was also acquitted and released on appeal. He was convicted of murder for 'presiding' over a meeting at which a suspected arsonist was allegedly 'sentenced to death'. The man was killed two days later though not by Yelani. The appeal court decided the court had not found 'beyond reasonable doubt' that the meeting Yelani was in charge of had indeed condemned the man. (*FOCUS 75 p.2; EPH 25.11.88*)

Two other appeals were partially successful. Josiah TSAWANE and Daniel MALEKE, convicted of killing a policeman in Sebokeng, are now to serve 12 years each. They were sentenced in September 1986. Bekisizwe Philip NGIDI, a Soweto schoolboy, has had his death sentence for killing a policeman replaced by a 10-year prison sentence. (*FOCUS 67 p.1, 72 p.7; ST (Jhb) 2.10.88; NN 29.9.88*)

PRISONS

In addition to protests by prisoners there was news towards the end of 1988 of organisations formed by ex-prisoners to take care of their interests. The National Union of Ex-Prisoners for Crime Prevention and Rehabilitation (NUEPFOCAR) was launched nationally in August 1988. One month later the Prisoners' Welfare Programme (PRIWELPRO), a similar organisation operating in the Transkei bantustan, was banned by the administration there.

EX-PRISONERS ORGANISE

On 7 September, 17 months after its launch, PRIWELPRO was declared an unlawful organisation under the Transkei Public Security Act. PRIWELPRO was established by two former political prisoners - Vuma NTIKINCA and M M MBETE - to cater for the welfare of current, awaiting-trial and former prisoners, detainees, banned people and their dependants. It organised legal and educational aid and self-help projects, and undertook research into conditions of prisoners and detainees in the bantustan. (FOCUS 44 p.7, 48 p.7; PRIWELPRO Report 1988; CP 17.4.88, 1.5.88; DD 13.9.88)

NUEPFOCAR was initiated in Durban in 1987 by Jerry NGXOLA, a former South African Allied Workers Union organiser, while he was serving a six-year sentence imposed for his union activities.

In August NUEPFOCAR, which involves both former political prisoners and those con-

victed on other charges, had 2,500 members in Natal and 'a few thousand in other provinces'. The union runs workshops in literacy, legal rights and vocational training, operates as an employment agency, and helps former prisoners with accommodation. By November it had undertaken building and renovation projects in Pinetown and Inanda and had started a carpentry collective. A branch of the union was launched in the Transvaal in January 1989. NUEPFOCAR has close links with the Congress of South African Trade Unions and consults with other anti-apartheid organisations on particular projects. (FOCUS 48 p.7; WM 11.9.87; CP 13.9.87; SS 6.4.88; Work in Progress, August 1988; S Trib 20.11.88; S 19.1.89)

AUTHORITIES CHALLENGED

In September, at the same time as PRIWELPRO'S banning, Colonel Jumba, officer in charge of Wellington Prison in the Transkei bantustan, responded to a court challenge initiated by five inmates to declare conditions in the prison illegal. (See FOCUS 79 p.10 for details of the prisoners' action.) Whilst contending that circumstances in Wellington were not unlawful, his affidavit confirmed many of the prisoners' allegations.

Jumba admitted that 99, and at one point 123, prisoners were held in a cell with only one toilet. According to one of the applicants, the cell measured four metres by five. Jumba disclosed that it was 'impossible' for all inmates 'to place bedding down separately on the floor' and that the kitchen was designed to cater for only a third of the actual number of prisoners. (FOCUS 79 p.10; NN 15.9.88)

At Klerksdorp Prison five women political prisoners began a hunger strike on 9 December. Whilst the reasons for the protest were not reported, it was known to involve four women sentenced under the Internal Security Act for ANC activities and another serving a one-year sentence arising from community protests. One of the protestors, Lilian KEAGILE, who is soon to complete a six-year sentence, was subsequently transferred to Kroonstad Prison. Keagile's family were concerned that she was not moved nearer to her home, as they believed was usual for prisoners about to complete a sentence.

Keagile was sentenced in March 1983 for activities as an ANC courier and undergoing military training. Of the other women, Nontem-biso NDABENI and Gertrude SOFUTE have served one year of six-year sentences for ANC activities, undergoing military training and importing arms. Regina MADUMISE began a five-year gaol term in June 1988 for ANC activities while Gloria TWALA was sentenced to one year in April 1988. (FOCUS 46 p.6, 73 p.10, 77 p.4, 78 p.8; NN 15.12.88)

MANDELA MOVED

Nelson Mandela was transferred from Constantiaberg Clinic to a house at Victor Verster Prison near Paarl on 7 December. The move was condemned by Mandela's lawyer, Ismail Ayob, as cruel and retrogressive - Mandela's isolation had increased, but his prison status remained unchanged. Winnie Mandela rejected Pretoria's offer of 'unlimited access' for his family, stating that 'until all political prisoners were given the same privileges' only standard 40-minute visits would be made. (FOCUS 80 p.8; DN 8.12.88; CT 9/18.12.88; Star 14.12.88)

COMMUNITY RESISTANCE TRIALS

In December 1988 the Human Rights Commission reported that between July and September they had recorded 58 political trials involving 190 people. However, details of these trials were not fully reported in the press. (NN 15.12.88)

The monitoring of trials has been disrupted by the restriction of groups like the Detainees Parents' Support Committee (see FOCUS 76 pp. 1-2). Moreover, the legal process can be lengthy - at the end of 1988 there were trials still in progress arising out of resistance in 1985. It is not unusual for defendants to wait months, sometimes years, for their trials to end. As a result, press reports often do not cover an entire trial.

The regions for which most material on proceeding trials is available are the Eastern Cape, the Pretoria-Witwatersrand-Vereeniging (PWV) area and the Western Cape. Both the Eastern Cape and the PWV area have seen severe repression of mass resistance and a large number of trials involving charges of, for example, murder, public violence and arson. There are also at least four 'terrorism' trials pending. In the Western Cape a high level of political mobilisation and organisation has led to a higher proportion of trials featuring charges of involvement in the activities of banned organisations and evidence of support for armed struggle from a wide section of society.

Most of these trials have been brought under the common law, with charges ranging from public violence to murder. In others,

charges are brought under sections of the Internal Security Act, for example to cover people accused of attending an illegal gathering or of furthering the aims of an illegal organisation.

In a large number of trials the targets of the alleged offences were the police. In September the Minister of Law and Order told Parliament that 134 policemen had been killed in the previous four years. Although not all were killed in political circumstances, a significant number were killed during periods of intense police repression of unrest in specific areas. (WM 16.9.88)

At least two trials proceeding towards the end of 1988 and involving alleged attacks on police, were set against the background of the consumer and schools boycott that began in the Eastern Cape in mid-1985 and the occupation of the townships by the police and army. Four men appeared in the Grahamstown Supreme Court in June 1988 charged with the murder of a policeman in September 1985, whilst six New Brighton people, including one woman and three youths, appeared in the Port Elizabeth Supreme Court in May 1988, charged with the murder and attempted murder of policemen in July 1985. (EPH 4.5.88, 25.6.88; WM 16.9.88)

Other trials include that of a Bonteheuvel man accused of setting fire to a policeman's house and a truck in August 1987. A witness who described himself as a member of the 'Bonteheuvel Military Wing', also known as the 'Bonteheuvel Comrades', explained the actions, saying, 'Coloured people are oppressed and we burn the lorries of the white people so they can suffer.' (CT 11.11.88)

Other frequent targets of community resistance are councillors. Sixteen Middelburg residents appeared in the East London Supreme Court in November charged with two counts of murder and one of attempted murder following the killing of a local councillor and a child and an attempt on the life of another in April 1986. Evidence showed that one of the councillors had fired into the crowd surrounding his home, causing injuries. Much of the defence has rested on conditions in both Old and New Locations, Middelburg, where there had been wide community dissatisfaction about educational facilities, rents, sewerage and corrupt councillors. As a result community leaders had written to councillors calling for their resignation. The trial highlighted the use made of Section 31 of the Internal Security Act to detain state witnesses until they have given the required evidence. Several prosecution witnesses were detained soon after the incident at which some had themselves been present. One 67-year-old witness told the court that 'he had been in . . . custody a long time and asked the court to please finish the trial quickly so he could leave prison'. (DD 8/15/22.11.88)

In the Western Cape the activities of banned organisations featured in a number of trials at the end of last year. For example, a church worker appeared in the Worcester Magistrates' Court in September charged with furthering the aims of the ANC. In November, a student who allegedly published a pamphlet calling for a stayaway in June 1988, appeared in the Cape Town Magistrates' Court charged under the emergency regulations. (EPH 9.8.88; South 20.9.88; CT 21.11.88)

RESISTANCE IN TRANSKEI BANTUSTAN

Popular resistance and rejection of the bantustan system was evident in the past year in the Transkei bantustan, as were repression and violence. Developments in education and labour and the evidence in political trials reveal continued opposition to the system.

Soon after the collapse of Matanzima's authority in September 1987, his successor, Stella Sigcau, lifted bans on a number of individuals and released some detainees. The military council which took over direct control from her short-lived regime in December 1987, also attempted to present a less repressive image without abandoning repression. Most recently in January 1989 banning orders on 15 organisations including the South Africa Council of Churches were lifted.

LABOUR

In August a member of the military council announced that workers' organisations would be established, if workers and employers agreed. He said Transkei labour groups were unorganised, lacked collective bargaining powers and remained voiceless about unsatisfactory wages, conditions of service and unfair dismissals. The authorities had not yet decided whether the new organisations should be trade unions or some other form of representation. In the past bans on a number of unions and restrictions on strikes made it virtually impossible for trade unions to operate in the bantustan. (DD 4.8.88)

A survey of bantustan civil servants which was published in August, revealed that as many as 12,000 such workers favoured the formation of a staff association. The idea for such an association was endorsed by the chairman of the Military Council, Bantu Holomisa, although his reasons for doing so were not made clear.

In August, all nurses at the Umtata hospital went on strike demanding an increase in wages. According to the nurses, who were later joined by others from another hospital, their grievances dated back to 1982. At least 27 other hospital workers joined the strike, resulting in the detention of one of them, Nomvuyo DAYILE. Twenty-two hospital workers were later charged under the bantustan's Public Security Act.

At least nine strikes, involving over 600 workers took place in August. In response the authorities banned all strikes, work stoppages and boycotts in terms of the bantustan's Public Security Act. (DD 10.8.88; BBC 15.8.88; EPH 18.8.88; WM 19.8.88)

EDUCATION

The University of Transkei (UNITRA) has previously experienced student boycotts and the expulsion of lecturers who were thought to be sympathetic to students' protests. This continued in March 1988 when students from UNITRA boycotted lectures in protest against the detention of their fellow students. In June, the students responded to a national call by COSATU for a three-day stay-away in protest against the banning of organisations in February and the Labour Relations Amendment Bill (FOCUS 79 p.1) They staged a demonstration outside the university. University authorities closed down the halls of residence and insisted that all students reapply for admission to them, a measure aimed at excluding some students.

On 8 July, some members of the university staff took part in the launching of the Union of Democratic University Staff Associations (UDUSA) at the University of Durban-West-

ville. The organisation had an initial membership of 4,000, from 16 universities throughout the country. The union, one of whose aims is to work for the 'elimination of discrimination based on race, gender, class and creed in universities and our society' is opposed to the very concept of bantustans. It noted that police action and restriction of movement by campus control officers was a daily reality in black and bantustan universities. (DD 16.3.88, 8/9/23.6.88; S Trib 10.7.88; WM 15.7.88; FOCUS 76 p.8)

ARMED STRUGGLE

A growth in the number of armed incidents has resulted in the detention of, activists and in some instances their being shot in circumstances that appear to constitute summary execution. Political trials of people charged with participating in the armed struggle in the bantustan have revealed the extent to which it has spread. Those involved ranged from students to senior civil servants and a former magistrate. (Work In Progress, August/September 1988)

The indictments in most of these trials mention Atwell Mazizi MAQHEKEZA, a former magistrate and ANC guerrilla who was shot dead in March 1988 while receiving treatment in a Lesotho hospital for gunshot wounds sustained in an earlier incident. They allege that he had been operating in the Transkei bantustan between 1984 and 1987 as an area commander of the ANC's military wing - Umkhonto we Sizwe.

In the trial of Ernest SONTSU and Pasike NTSHOBANE, the state claimed that eight clerks from various departments of the bantustan authority were part of a unit whose responsibility was to recruit people into the ANC. They would then form units which would translate and distribute ANC literature. A state witness known only as Mr 'A' said another civil servant from the Department of Commerce, Vuyani NOBONGOZA, provided the group with district maps of the Transkei. A clerk in the bantustan Prime Minister's office allegedly stole a confidential document from his office which gave details of the June 1985 sabotage of the bulk fuel depot, power station and water pipelines and of ANC preparations in the Transkei rural areas. The accused allegedly gave assistance to Maqhekeza. Ntshobane was later acquitted. (DD 21/22.6.88, 12.8.88)

In a separate but related trial of Teko MOKHOU, a clerk in the Department of Justice, the state alleged that he acted as a 'pilot' to check for roadblocks before guerrillas were transported through the territory. He also allegedly formed ANC cells and possessed arms and explosives. Mokhou was also accused of undergoing military training under Maqhekeza

in the small town of Cala and in Khwezi township in Umtata. He allegedly bombed a telephone booth and a post office in April 1986. Maqhekeza's ability (perhaps with the support of his unit) to mobilise such a wide range of people is consistent with the ANC's strategy of people's war whereby guerrillas reproduce themselves by training and involving new recruits in their operations. (NN 11.2.88; DD 10.6.88; WIP, August/September 1988)

DETENTION AND TORTURE

Also revealed through these trials are the excessively long periods for which people may be detained before appearing in courts. Section 47 of the Transkei Public Security Act allows for detention without trial for purposes of interrogation for an indefinite period and has been used to allow torture, assault and other ill-treatment of detainees.

In Mokhou's case, a witness known only as Mr 'B' testified that during six months in detention he changed his statement to the police five times because they were forcing him to say things incriminating himself and others. He told the court how he was handcuffed with his hands behind his back and had an electric cord tied around his ankles. He also had a canvas bag filled with water placed over his head and face until he began to suffocate. During this period he was kept naked and was being kicked and punched by police. He sought court protection after police threatened him saying that if he were released he would not remain alive for more than a year and that the prosecutor was 'one of them'. (DD 6/15.6.88, 6.10.88)

In another case Dr Warren NOMBE, Mhleli MADAKA and Lungisa Livingstone MATUTU were all facing charges of harbouring guerrillas, including Maqhekeza, and of engaging in 'terrorist' activities. All three were acquitted in December as the state's evidence was found to be inconsistent and incoherent. Madaka was detained in August 1985. Matutu was detained in the Bophuthatswana bantustan in September 1987 and later brought to the Transkei where he was reportedly tortured by police. His eyes were damaged and he had bruises and various abrasions on his body. His lawyers said that he was mentally confused, had no insight into his circumstances and was disoriented. His case is one of at least 40 similar claims for damages which are pending, arising from police violence against people suspected of having links with anti-bantustan activists. (South 13.10.88, 8.12.88; CP 16.10.88, 11.12.88)

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THOUSANDS OF SQUATTERS EVICTED

Events in 1988 confirmed trends in the government's 'orderly urbanisation' policy, since the overhaul of influx control legislation in 1986. The object of the policy is to limit the number of people living permanently outside the bantustans, and to disperse those without access to 'approved' housing by demolishing 'illegal' squatter camps and clearing 'slums'.

While some townships were upgraded during 1988 and some squatter camps turned into 'site and service schemes', other squatter communities came under pressure to move. It is not yet clear whether consistent policies are being applied by local authorities throughout the country. (*FOCUS 65 p.8; 70 p.9; 75 p.3*)

'ORDERLY URBANISATION'

In the Pretoria-Witwatersrand-Vaal (PWV) area a complex approach emerged in the course of the year. In mid-1987 some studies had identified as many as 10,000 shack dwellers facing eviction and removal in terms of the new policy. By the end of that year some 4,600 structures had been demolished. (*WM 10.7.87; SA Institute of Race Relations Survey 1987/8 pp. 468-9*)

At the same time central government and local planning bodies conducted studies to identify sites for the permanent settlement of other squatters and the upgrading of some existing camps. This formed part of upgrading exercises across the country (*see FOCUS 75 p.3*). In April 1987 the Minister of Constitutional Development and Planning appointed a Consortium of Consultants to identify sites for settlement in the PWV. The Regional Services Council was also involved in the studies. (*Star 19.5.88*)

Joint Management Centres (JMCs) have been identified as key agents in the upgrading exercises. The JMCs, set up in the late 1970s and composed of police, military and local government officials operating in secret, have as their brief combatting resistance, countering anti-apartheid organisations and engineering co-optive schemes such as the upgrading of townships. In co-operation with other organs of local and regional government, they attempt to alleviate what are seen as the material sources of resistance and therefore to deny 'revolutionaries' causes around which to mobilise. (*SASPU National Sept/Oct 1988*)

In the second half of the year several site-and-service schemes were established for permanent settlement by squatters. In one scheme falling under the Transvaal Provincial Administration, 57,609 sites were provided for squatters in the southern and western Transvaal. (*Star 25.10.88; WM 28.10.88*)

In the rest of the country, however, the demolition of camps continued, as did other repressive aspects of the government's policy of population control - the removal of 'black spots', consolidation of bantustans and the break-up of mixed communities. In July the Minister of Constitutional Development and Planning reported to parliament that 47,617 people had been resettled in the course of 1987, most as a consequence of what he called 'slum-clearance' and the removal of squatter camps. In September he revealed that the government still planned to move 248,000 people, most of them squatters in the Eastern Cape. Included in the statistics were some 'black spots' and squatters on farms. (*WM 8.7.88; CT/Star 29.9.88*)

HARSH NEW LAWS

In terms of new legislation placed before parliament in August 1988, it became clear that the government was equipping itself to move large numbers of people. The *Prevention of Illegal Squatting Amendment Bill* proposed to increase the penalties on landowners who allowed people to settle illegally on their property, removed from the court their powers to issue interdicts halting demolition of squatter camps and do away with the obligations of local authorities to provide shelter for homeless people legally in the areas under their jurisdiction.

The proposals met with widespread protests. In September representatives of squatter and community organisations, as well as the major trade union federations met the Minister of Constitutional Development and Planning to protest at the Bill. Protests came from other quarters as well. Nevertheless, the bill was approved by the white House of Assembly and the President's Council and by the end of 1988, required only the signature of the State President to become law. (*WM 1.7.88; Star 3/19.9.88, 1.12.88*)

LAWAAIKAMP

The Bill is intended partly to combat the tactics used by communities like the one at Lawaai-kamp, near George in the south-western Cape, where African residents of a shanty town have

resisted their removal to a site further afield since 1984. Successful appeals to the courts have delayed demolition on a number of occasions (*see FOCUS 75 p.3*). In July eviction orders were served on 120 residents in a new bid by the George municipality to move the community. Most of the residents again challenged the orders in the courts, but some who did not had their homes razed. Of the original community of some 5,000 people, 3,500 had been forced by various pressures to move by October. The latest court challenges were also still pending as the year closed. (*CT 22.7.88, 12.8.88; Anti-Apartheid News, October 1988*)

OUKASIE - BRITS

In the western Transvaal town of Brits, residents of the black township Oukasie continued, for the third year running, to resist removal to a new site 25 kilometres away. The authorities want to move the township because of its proximity to a white suburb. Following the deproclamation of the township in 1987 - which changed the status of the residents from permanent tenants to squatters - the Minister of Constitutional Development and Planning designated the area an emergency camp in June 1988. This measure allowed the authorities to impose restrictions on those allowed to enter or live in the area and was aimed at forcing residents to move. Since June, service charges have been increased, soldiers have conducted a census of the area and a permanent military and police presence has been established. In spite of these tactics, by the end of the year 800 families were still refusing to move. (*South 7.7.88; FM 30.10.88; CP 6.11.88*)

REMOVAL OF SQUATTER CAMPS

The removal of people deemed to be squatters took place in other parts of the country during 1988: around Durban where more than 1.7 million people live in shack settlements, on the East Rand and in the Eastern Cape and Border region, where over 200,000 squatters are still scheduled for removal in terms of the figures released in July. Groups monitoring removals indicated in September, that evictions of former labour tenants on farms were also being stepped up in rural areas of Natal. According to the Durban Legal Resources Centre 'tens of thousands of people are circulating in Natal as internal refugees'. (*WM 12.8.88; CP 28.8.88; NN 15.9.88; CT 29.9.88; S Trib 16.10.88*)



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Sources and abbreviations: BBC - British Broadcasting Corporation Survey of World Broadcasts; Cit - The Citizen,

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Johannesburg; CP - City Press, Johannesburg; CT - Cape Times; DD - Daily Dispatch, East London; Debates - House of Assembly 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; SS - Southscan, London; Star - Star, Johannesburg; ST(UK) - 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.