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ON POLITICAL REPRESSION IN SOUTHERN AFRICA

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STATE OF EMERGENCY

Faced with sustained resistance to apartheid by African township residents, the regime has extended even further its wide-ranging powers of repression by proclaiming a State of Emergency. On 20 July the State President, P W Botha, using powers under the Public Safety Act of 1953, announced that an Emergency would take effect from midnight in 36 districts — all but one of them in the Eastern Cape or Pretoria—Witwatersrand—Vereeniging areas — and warned that the number could be extended at any time.

The Public Safety Act, passed in response to the Defiance Campaign of the 1950s, empowers the government to issue emergency regulations which may suspend the provisions of any laws except those concerning defence, the operation of legislatures, and industrial conciliation. These powers have been invoked once before, for a four-month period in 1960 following the police killings at Sharpeville and the banning of the ANC and PAC. At that time over 11,000 people were detained using powers which have since become permanently established in statutes.

Full details of the current emergency regulations were not immediately known, but legislation published in the Government Gazette appeared to widen the role of the military in controlling the affected areas. It extended further the considerable legal powers police and army officers already had to cordon off areas and regulate the release of information concerning their activities, and gave them power to impose curfews. (See *SADF IN THE TOWNSHIPS*)

New powers of detention enabled all members of the police, army, railways police and prisons service to make arrests without warrant, detain people for up to 14 days — or longer by permission of the Minister of Law and Order — interrogate any detained person,

search property and seize 'any item which could be used to commit an offence'. In addition, police and army officers may remove 'any person or any section of the public out of or to any particular area in the interests of public order or safety or the termination of the state of emergency'. A maximum of ten years' jail or a fine of R20,000 may be imposed for disobeying the new regulations. (S/DD 22.7.85; see *DETENTIONS*)

Provision for the detention for up to 14 days already exists in the Internal Security Act and has been increasingly used over the past year. However, under this Act only a police officer of or above the rank of warrant officer may conduct such an arrest.

Information on township protests and police and army response has come largely from the police itself as the protests have spread over wider areas. The emergency regulations empower the Police Commissioner, Johan Coetzee, to ban the reporting of any information regarding the enforcement of the State of Emergency. These supplement an already formidable barrier of laws restricting the dissemination of information about police, prisons and general 'security matters', including the fate of political detainees. (see *FOCUS* 42 p.4, 46 p.11, 54 p.6)

The emergency regulations contain a clause giving the regime's forces indemnity against any criminal or civil proceedings in the courts over actions they may carry out under the terms of the Emergency. An indemnity Act was first introduced in 1961, a year after the first state of Emergency. A second Act was passed in 1977 to cover a nine-month period from June 1976 when the Soweto uprising began. (GN 22.7.85)

Even before the State of Emergency, the government had issued repeated banning orders on meetings of specified organisations, under the Internal Security Act. Following the expiry in June of a three-month ban on meetings in 18 magisterial districts to discuss stayaways and on all meetings of 29 organisations, a new order was issued to cover the rest of the year. Thirty districts are involved, many of them now under

the State of Emergency, and 64 organisations, including the UDF, AZAPO, the Release Mandela Committee and a number of youth, student, civic and women's organisations are affected. The ban on all outdoor meetings, excluding sports gatherings, annually renewed since 1976, was supplemented by a one-year ban on all meetings to discuss education boycotts. (GN 28.6.85; *FOCUS* 59 p.1)

TRANSKEI AND CISKEI

The Transkei bantustan authorities extended the state of emergency in the bantustan for another year in June. Emergency regulations were introduced in 1977 and have been extended annually since then. They provide for the enforcement of curfews and curbing of movement of particular persons, prohibiting them from leaving their town without magisterial permission. A night curfew was imposed in the bantustan on 22 July and hundreds arrested. In the Ciskei, a night curfew was imposed in Zwelitsha the following week. (DD 19.6.85, 24.7.85; GN 29.7.85; *FOCUS* 53 p.2)

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DETENTIONS

The number of people detained without trial increased sharply following the declaration of a State of Emergency on 20 July. Within 11 days over 1,200 people had been held under the emergency powers. At the same time police were continuing to detain people outside the areas covered by the emergency, using the Internal Security Act and other laws or regulations in force in bantustan areas.

Even before the State of Emergency, powers to detain people were being widely used, as the list opposite shows, and there were estimated to be a hundred people in detention when the State of Emergency began. Powers of preventive detention (under Section 28 of the Internal Security Act) were also used for the first time since 1984 when three members of COSAS were detained in Potchefstroom in July and another two people in Mankweng. A number of those detained under the emergency regulations had recently been detained under the Internal Security Act, and presumably been released.

The emergency powers to detain people with or without a warrant for up to 14 days — or longer by permission of the Minister of Law and Order — are similar to those which exist under Section 50 of the Internal Security Act. But whereas under the Act detention for more than 48 hours requires the authorisation of a magistrate, this is not the case under the emergency regulations. The emergency regulations, unlike Section 50 of the Internal Security Act, also allow detainees to be interrogated. The powers of arrest, restricted under the Act to police warrant officers or officers of higher rank, are conferred under the emergency regulations on all members of the police and army.

Initially the police used the emergency powers to refuse to give names of those detained, but then issued lists every day giving the names of people detained and the district in which they were held. The first lists indicated that some were nationally known figures but the great majority were local activists.

DEATH IN DETENTION

A 13 year old boy, taken from his home by police on 3 July, died in detention the following day while in police cells in the Eastern Cape town of Steytleville. He died of head injuries, according to a Port Elizabeth pathologist who conducted the post mortem on behalf of the dead boy's family.

The circumstances of his death reflect the violence with which the police have responded to the sustained resistance of the past year. The boy, Johannes SPOGTER (also known as Witbooi), was arrested after a memorial service which had been held for the four community leaders killed near Cradock. (See *ABDUCTIONS AND DISAPPEARANCES*)

Johannes Spogter's cousin, Mzwandile MUGGELS (20), who was coordinator of the Karoo Youth Congress, was returning from the memorial service with a group of youths when they were confronted by police. They retaliated with stones and ran away.

Later in the day police came across the

youths sitting round a fire and fired rubber bullets and teargas at them. Mzwandile Muggels ran into his uncle's house, followed by the police who had shot and fatally wounded him. They took him away in a police van, along with his cousin Johannes Spogter who was in the house at the time. (CT 9/11.7.85; S 10.7.85)

- At the end of April according to the DPSC, there were 37 people still in detention who had been held at least six months earlier. At least 30 of these people were being held under Section 29 of the Internal Security Act which provides for indefinite incommunicado detention for purposes of interrogation. Two thirds of those held for six months were from the Vaal area, and a number of them appeared in court in June. (Star 17.5.85; see *BALEKA AND OTHERS under POLITICAL TRIALS*)

According to the government, out of 59 people charged during 1984 with offences under the Internal Security Act after being held under Section 29 of that Act, 32 had spent more than three months in detention before being charged. Twenty had been held for more than four months. (Debates 26.2.85)

- Preventive detention, under Section 28 of the Internal Security Act, was used during 1984 to hold 25 people for periods ranging from 18 days to 305 days. One person was held for 305 days; three for 194 days; 12 for between 70 days and 113 days; and nine for 36 days or less. (Debates 26.2.85)

- Section 50 of the Internal Security Act allows detention of people for up to 14 days in what the law describes as situations of 'unrest'. During 1984, 166 people were held under this section. (Debates 26.2.85)

ARMED STRUGGLE

During May and June there were a number of detentions relating to the armed struggle.

- Bophuthatswana bantustan police arrested a man in connection with the alleged killing of a South African Police detective on 27 May. They confirmed that a man was being held for questioning but would give no details.

One policeman, Detective Warrant-Officer Jacob TSHWANE was shot dead and another, Detective Constable Simon KHANYANE, was wounded when two alleged members of the ANC opened fire on them at a house near GaRankuwa in the Bophuthatswana bantustan.

- After a series of six hand grenade attacks in the Cape Peninsula area early in June, police detained three men in connection with the incidents. Two of the men were released, one dying shortly afterwards as a result of wounds which the police said he received before his detention, during a police 'follow-up operation'. The man who died was Dumisani NTLANGENI (22). The police said the third man was being held for questioning.

The six hand grenade attacks were directed at the homes of two members of the Coloured house of the segregated parliament, a community councillor and three policemen. The ANC said that it was responsible for the attack on the policeman, but was not involved in the other attacks, adding that it 'would not go out of its way to condemn the attacks'. (CT 18/21.6.85; Star 21.6.85)

- In another incident said by police to be

connected with the armed struggle, a man was shot dead north of the Kruger National Park. Police said that he was shot when four policemen were confronted by two alleged guerillas, one of whom threw a hand grenade at them. (Star/CT 21.6.85)

- The names of four people detained in Nelspruit on 19 March are given in the list of detainees in this issue, and those of another three were given in the list in *FOCUS 59*. These names, obtained from DPSC lists of detainees, would appear to be those of people who were detained after a battle between police and guerillas, reported previously. (FOCUS 58 p.6)

- In an incident of a different kind, several people were detained after a series of hand grenade explosions on the East Rand on 25 June. (See *GRENADERS INCIDENT under APARTHEID VIOLENCE*)

LONG DETENTIONS

Official statistics and figures provided by the Detainees Parents Support Committee concerning detentions during 1984 and the first four months of 1985, show that a considerable number of detainees spent several months in detention, many of them in solitary confinement. (The official statistics do not include information about detentions in several bantustan areas.)

- During 1984 a total of 47 people were held as potential state witnesses under Section 31 of the Internal Security Act. All of those who were released by February 1985, with the exception of two people, had been held for between three and five months. In February, 26 of these detainees were still being held and had been in detention for between two and a half and five months. (Debates 12.3.85)

MOTHERS IN DETENTIONS

In answer to questions in parliament in February, the Minister of Law and Order revealed that during 1984 two detainees were hospitalised to give birth (the term used by the Minister was 'confinement').

It was already known that one woman, Marilia NHLABANTSI, had given birth to a child in detention after being detained in Johannesburg in August. She was still in detention at the end of June 1985. (FOCUS 57 p.4) The identity of the second woman is not known.

A third case of a woman giving birth to a child while being held in custody was reported in July 1985. Nona TSOAGAI (19) was arrested on 21 March in Kimberley and charged with public violence. She was twice refused bail. She gave birth to a boy at the Kimberley hospital on 10 July and was returned to Kimberley Prison while her baby was kept at the hospital. (S 17.7.85)

RELEASES

- In June it was reported that Humphrey MAXEGWANA had been released from detention in the Ciskei bantustan. (FOCUS 59 p.3)

- In June, Sithembele ZOKWE was reported to have been released from detention under Section 29 of the Internal Security Act but held in police custody pending 'deportation' to the Transkei bantustan. (FOCUS 57 p.5; S 11.7.85)

DETAINEES — Additional to previous FOCUS lists

Approx. date	Place	Name (Age)	Details (where known)
12.12.84	Vaal	Peter MOHAPI	Boipatong Civic Assoc. Sec. 29, ISA
30.1.85	Johannesburg	Michael GQAMANE	Sec. 29, ISA. Charged 9.7.85
30.1.85	Johannesburg	Mlandele KETYE	Sec. 29, ISA. Charged 9.7.85
30.1.85	Johannesburg	Seymour MAGWAZA	Sec. 29, ISA
30.1.85	Johannesburg	Raymond NKABINDE	Sec. 29, ISA. Charged 9.7.85
Feb. '85	KwaZulu	Sifiso BUTHELEZI	Sec. 29, ISA
19.3.85	Nelspruit	Selinah CHILOANE	Sec. 29, ISA
19.3.85	Nelspruit	Winston MASHU	Sec. 29, ISA
19.3.85	Nelspruit	Elphas MOGALE	Sec. 29, ISA
19.3.85	Nelspruit	— MONARENG	Teacher. Sec. 29, ISA
19.3.85	Nelspruit	Mack NONYANE	School Principal. Sec. 29, ISA
Rep. 3.5.85	Kimberley	Jaffer Shiman SOLOMON	Member, SASA. Sec. 29, ISA. Student
Mid-May	Port Elizabeth	Elizabeth HASHE	Executive, PEWO. Released 16.6.85
22.5.85		Fennel DUNA	Organiser, E. London Youth Congress
22.5.85		Eric GOVUZA	President, E. London Youth Congress
27.5.85	Odendaalsrus	Disebo KUNENE	Azanian Students Movement
29.5.85	Bophuthatswana	Unnamed man	After clash with alleged ANC guerillas
2.6.85	Port Alfred	Gugile MKWINTI	Sec. 50, ISA
9.6.85	Thabong	Billyboy MOKOBO (17)	Disappearance; det. unconfirmed
16.6.85	Umtata	Pat MABUDE	Student, University of Transkei. TPSA
16.6.85	Western Cape	Dumisani NTLANGENI (22)	Grenade attack. Fatally wounded. Rel. before death
16.6.85	Western Cape	Unnamed man	After grenade attack. Released
16.6.85	Western Cape	Unnamed man	Grenade attack
20.6.85	Cape Town	Zoliswa KOTA	Reg Publicity Sec. UDF. Sec. 29, ISA. Rel. 26.7.85
20.6.85	Cape Town	Thabo NQCOKOTA	Released 9.7.85
20.6.85	Cape Town	Miranda QWANASHE	Reg. Sec. UDF. Sec. 29, ISA. Rel. 26.7.85
20.6.85	Cape Town	Titus SELEPE (27)	Sec. 29, ISA. Catering worker
20.6.85	Cape Town	Nicholas TALAKUMENI (17)	Sec. 29, ISA. Brother of Thomas Talakumeni
20.6.85	Cape Town	Thomas TALAKUMENI (27)	Sec. 29, ISA. Brother of Nicholas Talakumeni
20.6.85	Ciskei	Nomfanelo POHO	Educationalist. Sec. 26, NSA
21.6.85	Oudtshoorn	15 unnamed people	10 men, 5 women. After Botswana raid
22.6.85	Lebowa	Two unnamed youths	Unconfirmed. After funeral of Turfloop student
23.6.85		Klaas de JONGE (27)	Dutch lecturer. Charged 18.7.85
24.6.85	Nigel	Alex MONTIEDI	Secretary, Duda Civic Association
24.6.85	Cape Town	Clifford NTEMETYA (27)	Catering worker. Sec. 29, ISA
25.6.85	East Rand	Nicholas DLADLA (19)	Grenade explosion. Sec. 29, ISA
25.6.85	East Rand	Lionel LEKATSA (19)	
25.6.85	East Rand	Hosea LENGOSANE (19)	
25.6.85	East Rand	Johannes Veli MAZIBUKO (17)	In hospital after grenade explosions. Sec. 29, ISA
25.6.85	East Rand	Titus MAZIBUKO (17)	
25.6.85	Natalspruit	John MLANGENI (20)	
25.6.85	East Rand	Humphrey TSHABALALA (18)	
25.6.85	Cape Town	Kent MKHALIPI	Urban foundation worker. Also det. 1981
25.6.85	Cape Town	Justice MSHUDULU (38)	Sports administrator. Sec. 29, ISA
27.6.85	Oudtshoorn	Unnamed person	Following Botswana raid
27.6.85	Cape Town	Humphrey JOSEPH	"Saamstaan" worker. Sec. 50, ISA. Released 2.7.85
27.6.85	Oudtshoorn	Caroline Noutinti MAYOLI	
27.6.85	Oudtshoorn	Reggie OLIPHANT (38)	Regional treasurer UDF. Sec. 50, ISA. Released 2.7.85
27.6.85	Oudtshoorn	Mzukizi SKOSANA	Vice president Bongoletu Youth Congress
27.6.85	Oudtshoorn	Clive STUURMAN (23)	Sec. 50, ISA. Released 2.7.85
27.6.85	Port Elizabeth	Janet CHERRY	Secretary, ECC. Sec. 50, CPA; Sec. 29, ISA
27.6.85	Port Elizabeth	Nomonde NGUMANE	P.E. Secretary, GWU. Sec. 50, CPA; Sec. 29, ISA
28.6.85	Port Elizabeth	Noxabiso LOBI	Branch Sec. MACWUSA. CPA 50, ISA; Sec. 29, ISA
28.6.85	Port Elizabeth	Dennis NEER	Sec. Gen. MACWUSA; GWUSA
28.6.85	Johannesburg	Helena PASTOOR	Ex-wife of Klaas de Jonge
29.6.85	Cape Town	Baba NGCOKOTO (31)	Former UDF official. Student. Rel. 26.7.85
July '85	Durban	Goolam Nabi SOOBEDAR + 4 relatives	Sec. 29, ISA. Hospitalised
July '85	Durban	Yunus SHAIK	
July '85	Durban	Shamin SHAIK	
July '85	Durban	Riaz Mo SHAIK	
July '85	Durban	Munira SOOBEDAR	
July '85	Durban	Sirish SONI	
3.7.85	Steytlerville	Mziwandile MUGGELS	Karoo Youth Congress. Died from wounds 4.7.85
3.7.85	Steytlerville	Johannes SPOGTER (13)	CPA. Died in detention 5.7.85
4.7.85	Johannesburg	Dr. Elvis DANIELS	Sec. Westbury Residents Action Committee
4.7.85	Transkei	Mimi DALINDYEBO (27)	Student, son of Sabata Dalindyebo
4.7.85	Transkei	Peace KOKO	Transkei Development Corporation
4.7.85	Johannesburg	John PENIKEN	Sec. 50, ISA
8.7.85	Potchefstroom	Thabo MAJOE	Member, COSAS. Sec. 28, ISA
8.7.85	Potchefstroom	Thabo PHETHO	Member, COSAS. Sec. 28, ISA
8.7.85	Potchefstroom	Daniel RANEKGETHO	Member, COSAS. Sec. 28, ISA
25.7.85	Lebowa	George MAYEVU + 9 others	Lecturer, Univ. of North
25.7.85	Mankweng	Peter MOKABA	
25.7.85	Mankweng	Frans MOHLABA	
25.7.85	Bekkersdal	Ronnie THAPELO	
25.7.85	Bekkersdal	George ZAMA	
25.7.85	Bekkersdal	Stanley VINGA	Members, Bekkersdal Youth Congress

ABBREVIATIONS

Laws: CPA, Criminal Procedure Act; ISA, Internal Security Act; TPSA, Transkei Public Security Act

Organisations: COSAS, Congress of South African Students; ECC, End Conscription Campaign; GWU, General Workers Union; PEWO, Port Elizabeth Women's Organisation; SASA, South African Students Association; UDF, United Democratic Front.

POLITICAL TRIALS

COMPLETED TRIALS

MABENA AND THWALA

Sipho Wilfred MABENA (24) and Diliza Lucky THWALA (24) were sentenced to an effective twelve years' imprisonment in the Benoni Regional Court on 26 June. Thwala, from Senoane in Soweto, and Mabena from Mamelodi told the court they remained committed to the aims and objectives of the ANC.

The trial of the two men began on 11 June. The state alleged they had left the country in 1980 and had undergone military training in Angola. It was also alleged that on their return to South Africa they intended recruiting people to the ANC, training men in warfare and establishing underground bases. They were further charged with planning an 'act of terrorism' against soldiers and policemen participating in a military parade in Brakpan in April 1984.

In a statement read to the court Mabena and Thwala admitted leaving the country illegally in 1980 and joining the ANC. They stayed in what they referred to as an ANC house in Maputo and underwent military training in Angola. They returned to South Africa in April 1984, having been briefed by ANC officials on a mission they were supposed to conduct. No date was given for Mabena's detention; Thwala was detained in June 1984. (FOCUS 55 p.2)

Few details of the state's case against the men, which took less than two days, appeared in the press. When the first state witness, an unnamed man, gave evidence both press and public were cleared from the court. Press reports mentioned only one other witness — a member of the Security Branch on the East Rand who gave evidence on the aims and activities of the ANC.

On 14 June the men were found guilty on two charges of undergoing military training in Angola in 1981 and again in 1983. They were also found guilty of participating in ANC activities after their return to South Africa on 18 April 1984. They were acquitted of all charges relating to the alleged plan to attack the military parade at Brakpan. On 26 June the men were sentenced to 5 years on the first charge, 2 years on the second and a further eight years for participating in ANC activities. Three of the eight years are to run concurrently with the first sentences, making an effective sentence of twelve years each. (S 12/13/27.6.85; Star 12/13/15.6.85; City Press 30.6.85)

MANISA

Zenzile MANISA was convicted on two counts under the (Ciskei) National Security Act in the Zwelitsha Regional Court on 25 March. He was sentenced to three years' imprisonment for being a member of the ANC and three years for acting in the direct and indirect interest of the ANC, the sentences to run concurrently. He was granted bail of R500 pending an appeal. It was alleged that on 29 July 1984 Manisa attempted to recruit people into the ANC and to teach its doctrines. (DD 9.2.85/27.3.85)

MAXONGO

Priscilla MAXONGO was found not guilty of perjury in the Zwelitsha Regional Court on 28 June. The case arose from evidence given by Maxongo during the trial of Milton MDZE. The state alleged that Maxongo's evidence contradicted a statement she had made to the police

when she was detained as a potential state witness prior to Mdze's trial. (FOCUS 59 p.4)

The magistrate hearing the case against her found that the earlier statement could not be considered a binding affidavit as there were irregularities in the way it had been obtained. He criticised the unsatisfactory written and verbal evidence of Sergeant Thamsanqa Hlulani, the Ciskei bantustan's commissioner of oaths. No reports have appeared in the press about the perjury trials of Thozamile FENI and Godfrey SHIBA whose evidence was also discredited in the Mdze trial. (DD 29.6.85)

MKHONTA

Samuel Fanyana MKHONTA (31) was sentenced to 18 years' imprisonment in the Piet Retief Regional Court on 22 May. It was alleged that Mkhonta, described as a Swazi citizen, had brought arms, ammunition and ANC literature into the country and established caches in Soweto, Daveyton and Vosloorus.

A newspaper report of Mkhonta's trial stated that he was charged under the Terrorism Act. If correct this would indicate the alleged offences were committed some time ago. The Terrorism Act has been used in recent trials to cover activities carried out before July 1982 when the new Internal Security Act became law.

It was not clear how Mkhonta pleaded — the press report said he 'admitted' certain charges and was convicted on four counts. In sentencing Mkhonta the magistrate drew attention to the element of deterrence. He acknowledged that the ANC 'was well organised in each province of the country' and that most of the couriers bringing arms into the country were 'probably never caught'. He told Mkhonta that he was lucky not to have been tried in the Supreme Court where the death sentence could have been imposed. In another trial in May in the Rand Supreme Court, Jabu Marines NGOBESE was sentenced to fifteen years for a number of offences including establishing arms caches in Vosloorus, Soweto and Daveyton. (FOCUS 59 p.4; Cit 23.5.85)

SEBOTSA

Patrick Bobby SEBOTSA has been sentenced to seven years' imprisonment in the Bloemfontein Supreme Court. Sebotsa, who was detained on 26 June 1984, was first brought to court in November 1984 and after a number of adjournments the case was heard in May. (FOCUS 57 p.6, 58 p.9)

Sebotsa initially faced three charges under the Internal Security Act: of undergoing military training in Lesotho in 1983; of sabotaging the Bloemfontein-Hamilton railway line on 14 December 1983 and of possessing a copy of *The African Communist* a publication of the South African Communist Party.

Sebotsa pleaded guilty to the first charge and the state withdrew the other two. (Cit 15.11.84; RDM 20.12.84; Work in Progress February, May 1985)

TSHABANE

Collins TSHABANE (CHABANE) (25) was sentenced to nine years' imprisonment in the Tzaneen Regional Court on 24 June. Tshabane was detained in June 1984 and held in solitary confinement until the end of his trial. (FOCUS 58 p.9)

In reports of the early stages of the trial it

was said that Tshabane faced five charges under the Internal Security Act, the Terrorism Act, the Explosives Act and the Publications Act.

Tshabane, the son of a headmaster, grew up in a rural area and later studied science at the University of the North. In court it was alleged that while studying he associated with ANC members.

The state alleged that Tshabane was trained in the 'political wing' of the ANC; that he had encouraged persons to join the ANC, distributed banned publications of the ANC and SACP, used three persons as couriers, indoctrinated people against the government, buried four hand grenades on behalf of the ANC and provided accommodation for ANC members at his home.

He pleaded guilty to contravening Section 54 of the Internal Security Act (the section defining terrorism and subversion) by furthering the aims of the ANC. He also admitted illegal possession of a pistol and 15 rounds of ammunition. On 24 June he was sentenced to seven years' imprisonment for terrorism, two years for possession of firearms, and six months for possession of ammunition. (S 22.1.85; RDM 29.1.85; Work in Progress, February, June 1985; Cit 25.6.85)

MPETHA — APPEAL

At the end of May a majority decision by the Bloemfontein Court of Appeal dismissed the appeal by trade unionist Oscar MPETHA (76) against a five year sentence imposed for 'terrorism'.

Mpetha was convicted with 10 others in June 1983 under the Terrorism Act. During the course of the trial which began in March 1981, the Terrorism Act was repealed and replaced by the Internal Security Act. Whereas the Terrorism Act set a mandatory minimum sentence of five years for 'terrorism', no minimum sentence was set in the 1982 Act (Act 74 of 1982). At Mpetha's trial the judge felt that he was forbidden from imposing a suspended sentence and that he was obliged to abide by the minimum sentence laid down in the Terrorism Act. He granted Mpetha leave to appeal against this decision and therefore his sentence. He also granted him bail of one Rand pending the appeal. Mpetha's co-defendants were refused leave to appeal against both conviction and sentence.

The appeal judges ruled that the trial judge was correct in his view. However, they agreed that but for the mandatory sentence provided for in the Act, a wholly suspended sentence would have been appropriate and 'it was hoped Mpetha's sentence would be ameliorated by administrative action'. Not all judges have felt bound since the introduction of the new Internal Security Act to impose the minimum five year sentence on people convicted under the Terrorism Act. (See FOCUS 48 p.6 for case of Moses LANGA)

At the time of the appeal Mpetha was in hospital undergoing medical tests. He is a diabetic and had a leg amputated following the 34 months he spent in custody between his detention and conviction. A doctor stated that during his imprisonment the authorities were unwilling or unable to provide him with the correct diet. (DN 3.6.85; Star 5/8.6.85)

CONTINUING TRIALS

BALEKA AND OTHERS

Twenty two people, including leading officials of the United Democratic Front and its affiliate, the Vaal Civic Association, as well as members

of the Azanian People's Organisation (AZAPO), appeared in the Pretoria Magistrates' Court on 11 June charged with high treason, 'terrorism', subversion and murder. Most of the accused

had been in detention for many months. (FOCUS 56 p.4, 5, 57 p.4-5, 58 p.7, 59 p.3)

The accused are Patrick Mabuya BALEKA (25), member of AZAPO; Oupa HLOMOKA

(32), AZAPO; Rev. Tebogo Jeff MOSELANE (39), Anglican priest and member of AZAPO; Mohapi Lazarus MORE (25); Gcina Petrus MALINDI (25), Vaal Civic Association (VCA); Petrus MOKOENA (46) secretary of Evaton Ratepayers Association; David MPUTHI (48), VCA; Naphthali NKOPANE (41), VCA; Ephraim Tebello RAMAKGULA (35), VCA; Bavumile VILAKAZI (30), Urban Training Project worker, VCA; Sekwati John MOKOENA (32), Boipatong Residents Committee; Amos MALINDI (20), Vaal Youth Congress, (brother of Gcina Malindi); Simon Tseko NKOLI (NKODI) (25), SAIRR worker, Detainees Support Committee, formerly COSAS; Jerry TLHOPANE (26), COSAS; Jacob HLANYANI (37), VCA; Tom MANTHATA (45), SACC worker and Soweto Civic Association; Sam MATLOLE (61), VCA; Simon VILAKAZI (23), VCA; Popo MOLEFE (33), UDF general secretary; Mosioua Patrick LEKOTA (37), UDF national publicity secretary; Moses CHIKANE (37), former UDF secretary; Thabiso RATSONO (28), Rhodes University Black Students Society. A number of the defendants have been detained or charged previously. Lekota and Ratsono have served periods of political imprisonment.

The charge sheet in the case runs to some 250 pages. Eight defendants who requested that it be translated from Afrikaans into English were refused and told that their lawyers could do the translation for them. The indictment is a wide-ranging attack on the United Democratic Front and its alleged role in the unrest in the Vaal Triangle in September 1984. It alleges that the UDF allied with the ANC and SACP to overthrow the existing order by violence. UDF meetings were allegedly used to glorify the ANC as a 'friendly army' and its members portrayed as heroes and martyrs.

The charges of murder refer to the killing of five people in the Vanderbijlpark district on or about 3 September, in which the UDF is said to have been 'actively involved'. Four of those killed were community councillors.

The defendants appeared in court on 25 June and 3 July for argument about the granting of bail. The defence challenged the validity of certificates refusing bail issued by the Attorney-General. A ruling by the magistrate is to be given on 1 August. Heavy security was employed for all the court hearings. On 3 July the accused observed a minute's silence for the community leaders murdered in Cradock. (*Star* 12.6.85, 19.7.85; *CT* 25.6.85; *S* 26.6.85; *DD* 4/28.7.85)

JONGILE

On 14 May, Maselele Joe JONGILE (30) appeared in the Umtata Magistrates' Court to face charges under the (Transkei) Public Security Act. It was alleged he contravened Section 7 of the Act by furthering 'terrorist' activities in the Transkei bantustan between June and November 1984. Jongile was detained in November. (*FOCUS* 59 p.3) On 10 July Jongile was asked, in terms of the Criminal Procedures Act, to plead to two charges — furthering the aims of 'terrorism' and attempted murder. He pleaded not guilty to both charges.

The state alleged that Jongile was recruited by the ANC in 1981, that he left South Africa for Lesotho, went to Mozambique and Angola and underwent military training. He allegedly made a number of journeys between Lesotho and the Transkei bantustan and returned in 1984 with instructions to create bases where arms could be hidden. The charge of attempted murder referred to an argument between Jongile and a certain Kiddo Dodo. The case was postponed to 5 August. (*DD* 15.5.85, 11.7.85)

MAPUMULO AND OTHERS

Twelve men and one woman appeared in the Pietermaritzburg Magistrates' Court on 3 July charged with 'terrorism' and alternatively, the

illegal possession of weapons and ammunition. The case follows a large-scale military operation in the Ingwavuma area of Natal in December 1984 during which two alleged guerillas were killed and large arms caches were discovered. (*FOCUS* 57 pp.4-5)

The accused are Wilfred MAPUMULO (28), Robert DUMISA (26), James MARUPENG (26), Norbert BUTHELEZI (23), Bhekizazi MTHELHWA (MTHETHWA) (31), Vusumuzi NYAWO (30), Amos MAFULEKA (21), Joel MAKHUNGA (27), Mfinywani BAMALI (41), Dumezweni MYENI (35), Bofana MAFU (35), Boy MVUBU (39) and Nokuhamba NYAWO (64).

In a 53 page indictment it is alleged that bases were established in Ingwavuma for the 'recruitment and training of the local populace' in the use of weapons. The defendants are all accused of being members of the ANC's armed wing, Umkhonto we Sizwe. The first four accused are alleged to have received military training outside South Africa; to have met with 'other trained terrorists' in Swaziland and then established military bases in caves at Nhlalavane, near Ingwavuma, with the aid of Vusumuzi and Nokuhamba Nyawo. Eight of them allegedly had military training in the use of weapons and were given weapons and ammunition to conceal. Some of them were charged with possession of automatic firearms, pistols, bazookas, explosives and thousands of rounds of ammunition.

The accused were not asked to plead and were remanded in custody to appear in the Estcourt Supreme Court on 15 October. They were refused bail in terms of Section 30 of the Internal Security Act. (*DD/DN* 4.7.85)

MATAKATA

Michael MATAKATA (23) appeared in the Cape Town Regional Court on 14 June charged with 'terrorism' and 'subversion' under the Internal Security Act. Matakata, from Mbekweni, Paarl, was reportedly detained in December last year. He is charged with undergoing military training in Angola between March and December 1984. The state alleges that he received training in the use of firearms, explosives and other equipment; that he plotted with other people and the ANC to overthrow the authority of the state and is guilty of 'terrorism'; or, that he furthered the aims of the ANC. He was not asked to plead and the hearing was adjourned to 9 August in the Paarl Regional Court. (*CT* 15.6.85)

MATSHIKIZA AND NKOSI

Muzi Asington NKOSI (28) and Sizwe Patrick MATSHIKIZA (28) have appeared in the Johannesburg Regional Court charged under the Internal Security Act with storing weapons. They were both reported to have been detained in November 1984 in a raid on a house in the White City, Jabavu, area of Soweto, although Matshikiza's name was not reported until later. The two men, who appeared in court with their hands and feet chained, were due to appear in court again on 1 August. (*FOCUS* 57 pp.4,5, 58 p.6; *Work in Progress*, June 1985)

NZO AND TYUTYU — APPEAL

Rufus Nato NZO (25) and Douglas TYUTYU (49) who were convicted in the Grahamstown Supreme Court in December 1984 of high treason and being accomplices to murder, have been granted partial leave to appeal. They may appeal against both conviction and sentence on the murder charge. Nzo was sentenced to 20 years in prison for high treason and an effective five years as an accomplice to murder. Tyutyu was sentenced to 20 years for treason and 15 years as an accomplice to murder, ten years of which would run concurrently. The presiding judge found there was a reasonable possibility the Appellate Division could find that the

necessary intention did not exist. (*FOCUS* 57 p.6; *DD* 24.6.85)

PAYI — APPEAL

The Chief Justice has granted Clarence Lucky PAYI (20) leave to appeal against the death sentence imposed on him in February for the killing of Benjamin Langa. He may appeal against the finding that there were no extenuating circumstances in the killing.

Payi and his co-accused Sipho Bridget XULU (25) had petitioned the Chief Justice after an earlier appeal to the presiding judge had been refused. Xulu's petition was turned down by the Chief Justice. (*DN* 28.6.85; *FOCUS* 58 p.8, 59 p.5,6)

SHOBA AND OTHERS

Five men appeared in the Potchefstroom Magistrates' Court in July charged with furthering the aims of the Pan Africanist Congress. The accused are Jan SHOBA of Atteridgeville, Mandlele Morris KETYE of Mdantsane, Albie JULY of Kimberley, Michael Mosana GOAMANA of New Brighton and Bonise NKABINDE of Soweto, most of whom were detained in January. (*See DETENTIONS and FOCUS* 59 p.3)

The men face two counts of contravening the Arms and Ammunition Act. It is alleged they underwent military training in Botswana and entered South Africa with the intention of carrying out acts of sabotage. The case was postponed to 21 October. (*S* 12.7.85)

OTHER CONTINUING TRIALS

The following trials previously reported in *FOCUS* are continuing:

- **MASHELA AND OTHERS** Adjourned to 2 July.

- **NDLAKUHOLO AND MFOBO** Mfobo was granted R500 bail on 10 June to appear in court, 15 July. (*CT* 11.6.85)

- **RADEBE** Due to appear on 5 and 22 August with Daniel BILA. (*FOCUS* 58 p.9)

- **RAMGOBIN AND OTHERS** Postponed on 11 July to 5 August. (*S* 12.7.85)

There are a number of trials about which there is little information beyond mention in lists issued by the Detainees Parents Support Committee:

- Denmark TUNGWANA (20), Lungile NOMEVA (25), Ntsikelo QAKU (20), Andile XINTOLO (35), Thembeni SAMUEL (23), Simon SPELMAN (18), Zukile (Ronnie) GXAVU (33), Godfrey (Toivo Otto) MAKU (20) — charged under the Internal Security Act. (*FOCUS* 55 p.3, 57 p.4; *DD* 28.5.85)

- Tsepo MALGAS — harbouring 'terrorists' (TPSA). (*FOCUS* 55 p.2)

- Sipho BINDA — Internal Security Act. (*FOCUS* 59 p.3)

- Abraham NHLAPO — public violence and subversion. (*FOCUS* 58 p.7)

- Elias NTSHOA and Isaac MOTAUNG — subversion and arson. (*FOCUS* 57 p.5)

- Solomon SAKOANE — subversion and arson. (*FOCUS* 56 pp.5,8)

- Elias NYAPODI, Richard BOKOA, Isaac MALOA, Thami ZWANE — subversion and arson. (*FOCUS* 56 p.4, 57 p.5, 58 p.6)

- Reginald SEFATSA and seven others — subversion and murder. (*FOCUS* 58 p.6)

- Thuso MOROBI and Benjamin HLANYANE — subversion. (*FOCUS* 56 p.4)

- Sello Abel NOTSE — subversion and arson. (*FOCUS* 57 p.4)

- Tom NHLAPO, Ishmael TSOTETSI, Oupa MOREMI, Molefe MOSEBE, William SONDI, Simon MIRA — subversion, murder and attempted murder. (*FOCUS* 57 p.5)

- Jama MATAKATA — furthering the aims of the ANC. (*FOCUS* 58 p.7)

- Bulelani DANA, Mafu DAVIDS, Enoch NOMGA, Henry TILE, Shadrack TILE — sabotage.

OTHER TRIALS

CENSORSHIP TRIALS

Since the beginning of the year a number of people, mostly members of trade unions or of student, church or community associations, have been convicted in connection with the possession of literature or other material produced by organisations opposed to the apartheid regime.

- A member of the Alexandra Youth Congress, Edward Masuku NGOBENI (21), was sentenced under the Internal Security Act to an effective four years' imprisonment on 19 March in the Johannesburg Regional Court. He was sentenced to five years, with two years suspended, for promoting the aims of the ANC by recording and playing extracts of ANC publications, and a further year for possessing four ANC pamphlets. The publications included copies of *Sechaba* and *Mayibuye*. Ngobeni was detained on 9 August 1984 and granted R1,000 bail only after his sentence, pending an appeal. (*Star* 20/21.3.85)

- Lesetja Samuel TLOMATSA (24), who painted slogans demanding the release of Nelson Mandela on the walls of the compound where he worked, was convicted of furthering the aims of the ANC. He was sentenced in the Pretoria Regional Court on 15 April to one year in prison, conditionally suspended for five years. (*RDM* 16.4.85; see *FOCUS* 58 p.9)

- An organiser of the South African Allied Workers Union (SAAWU) who was alleged to have taken part in activities directly or indirectly in the interests of the ANC, was convicted of possessing a copy of a speech by the ANC President, Oliver Tambo. Bonile Lawrence TULUMA (33), a SAAWU co-ordinator for worker education, was sentenced in the Johannesburg Regional Court to one year in prison, suspended for five years. He was refused bail throughout the trial, which began in February. (*Cit* 16.3.85; *FOCUS* 58 p.9)

- A man from Soweto arrested on 16 June, Nelson QOBELA (36), was sentenced two days later in the Johannesburg Regional Court to 18 months in jail for possessing an ANC leaflet. (*City Press* 23.6.85)

- Sylvia MKHIZE (34), the daughter of an ANC life prisoner, Andrew Mlangeni, was arrested in February during a pre-dawn raid on her home in Soweto and sentenced in the Johannesburg Regional Court in June to an effective nine months' jail for possessing ANC publications. Her mother, June Mlangeni, told the court that Mkhize was threatened with a firearm during her arrest and forced to state that the literature was hers. Mkhize, a worker with the South African Council of Churches, was sentenced to nine months' jail and a further nine months suspended for four years. Bail of R500 was granted pending leave to appeal. (*Star* 22.6.85)

- A field worker with the Border Council of Churches, Mzwandile MSOKI (42), was convicted in the Zwaitsha Regional Court in February on two counts of possessing banned literature of the ANC and the South African Communist Party (SACP). He was sentenced to one year in prison on the first count and 100 days or R2,000 on the second. The conviction followed an appeal by the State against his acquittal on both counts under the Ciskei National Security Act in June 1983. Msoki was released on bail of R200 pending appeal. (See *FOCUS* 48 p.7)

- Peter MABASO (45), a church worker from Soweto who was held in solitary confinement for nearly six months, was charged on his release in March under the Publications and Internal Security Acts with possessing seven

banned publications, including literature of the SACP. The Internal Security Act charges were withdrawn, however, and Mabaso was convicted on 3 April of possessing two publications, one by the South African Congress of Trade Unions and the other by the black consciousness leader, Steve Biko. He was sentenced to three months' imprisonment, suspended for three years, or a fine of R200. Mabaso was receiving psychiatric treatment as a result of his detention. (*RDM/S* 4.4.85; *FOCUS* 58 p.11)

- Mbonisi SANDI (23), from Grahamstown, was arrested in January in the Ciskei bantustan while wearing a SAAWU T-shirt. The union was banned in the Ciskei in 1983 during the boycott of Ciskei-owned buses. Sandi was sentenced in the Zwaitsha Regional Court on 22 February to six months in jail, conditionally suspended for three years. (*DD* 23.2.85; *FOCUS* 49 p.10, 57 p.5)

- The trial of Zoleka Brenda BADELA (20), a student and an official of the Congress of South African Students charged with possessing banned publications, ended in the East London Regional Court on 6 February. Badela was sentenced to 10 days in jail or a R30 fine for possessing a document about Nelson Mandela produced by the Natal Medical School's Student Representative Council. A statement she made during the trial was ruled inadmissible after she told the court of police assault. (*DD* 29.9.84, 7.2.85; *FOCUS* 55 p.5)

- Theo MTHEMBU (58), from Soweto, editor of the *Mining Sun*, who spent five months in detention, was charged on his release in March with possessing five banned publications of the ANC and the SACP. He was given an 18-month suspended sentence in the Johannesburg Regional Court on 7 June. Bail was extended throughout the trial. (*RDM* 8.3.85; *CT* 8.6.85; *FOCUS* 58 p.11)

- In March the Pretoria Supreme Court dismissed the appeal by Emily MELK (20), a student nurse from Soweto, against her conviction under the Internal Security Act for illegally possessing the book, *Island in Chains*, written by a former ANC prisoner on Robben Island, Indres Naidoo. The six-month prison sentence Melk received in June 1984 was, however, suspended and she was given leave to appeal. (*Star* 27.3.85; see *FOCUS* 54 p.9)

- Gilbert Mogari KGOMO (28), from Soweto, was acquitted in the Johannesburg Magistrates' Court on 28 March of possessing the publication *Strategy and Tactics of the ANC*. (*RDM* 29.3.85; see *FOCUS* 55 p.5)

- A person sentenced in January to five years' imprisonment for furthering the aims of the ANC by playing a tape of freedom songs, was later released on bail pending appeal. Eric Tsietsi MAKOMORENG (23), whose sentence was reported in *FOCUS*, was granted R2,000 bail by a Johannesburg regional magistrate on 28 January. (*Star* 29.1.85; *FOCUS* 57 p.6)

TOWNSHIP PROTESTS

The number of trials related to the uprisings in black townships has increased proportionately to the increased resistance in these areas. Trials are taking place in virtually every area of the country but especially in the Eastern Cape and on the Witwatersrand.

The majority of accused have been charged under the common law, mostly with public violence. Other frequent charges are: attempted murder, incitement to commit murder, murder, assault, arson and malicious damage to property. In July the State was in the process of prosecuting 367 cases of arson, most involving homes that were gutted, 93 alleged murders arising from the uprisings, and 1,050 cases of public violence. In the Eastern Cape alone, the police had opened dockets on 1,789 cases since the beginning of the year. The charges reflect the nature of the resistance which the regime

is attempting to suppress through the use of the courts. (*ST* 21.7.85)

People have also been charged for offences under statute laws: the Internal Security Act (attending illegal gatherings, sabotage), the Intimidation Act and the Gatherings and Demonstrations Act of 1973.

While some trials are rushed through the courts very quickly, the great number of trials has resulted in many taking a long time to be completed. Several connected with activities in 1984 have been completed since June. Listed below are some which resulted in heavy sentences for the accused:

- Nineteen people received sentences of between one and five years' of imprisonment in a public violence trial in the Port Alfred Regional Court on 21 May. Thobile GQOLADASHE allegedly urged a crowd of mourners at a funeral in November 1984 to advance on the police and throw stones at them. (*DD* 21/22.5.85)

- On 7 June Themba Alfred LATA (21) was sentenced to 10 years' imprisonment and Piet MNTAMBO (20) was sentenced to five years for culpable homicide, assault with intent to do grievous bodily harm and 'sabotage' (under the Internal Security Act).

The trial, in the Pretoria Supreme Court, arose out of the death of a white baby who was allegedly killed by a stone thrown at a car in which he was travelling in October 1984. The two were found guilty, largely on the basis of statements they made while in detention. Lata alleged that he was assaulted by police while in custody and forced to make a statement. He further claimed that he was not present when the stoning incident took place and had been arrested some time after the incident. (*Star* 16.5.85; *S* 24.5.85; *S* 7.6.85)

- Two women, one aged 17 and the other 18, were sentenced for arson in the Kimberley Magistrates' Court on 7 June. The 17 year old was sentenced to eight years' imprisonment. Sentence was not passed on the 18 year old at that appearance. (*CT* 12.6.85)

- Siphon KUNENE (20), the son of the 'mayor' of Soweto, was sentenced on 21 June to six cuts with a light cane in the Protea Magistrates' Court after being found guilty of public violence. Evidence was that he had stoned a bus on 6 June in Soweto. (*S* 24.6.85)

- In the trial of nine COSAS members in the Kinkelbos Regional Court, Xolani YENGONI (18) was sentenced to three years' imprisonment on 27 June. The other eight did not appear at an earlier hearing and warrants for their arrest were issued. Xolani appeared because he was in custody on another charge. The nine were charged with stoning schools, buses and the house of the mayor of Kayamandli. The arrest of the nine resulted in a boycott of schools in Port Elizabeth in January. (*DD* 22.5.85, 11/29.6.85; see *FOCUS* 58 p.10)

- Seven UDF members were sentenced under the Internal Security Act on 11 June to fines ranging between R200 and R300 for attending an illegal gathering. Logan WORT (20), Shahieda ISSEL (38), Theresa SOLOMONS (38), Lucille MEYER (23), Sharon DAVIDS (20), Faiek RHODA (21) and Peter MENTOOR (26) were sentenced in the Cape Town. The trial was the result of a protest over rent increases in Mitchell's Plain in July 1984. (*DD* 12.6.85)

- On 25 June 26 students who protested against the institution of the segregated parliament in September last year were fined between R100 and R200 in the Bellville Magistrates' Court for attending an illegal gathering.

It was alleged that they damaged Defence Force and police vehicles, and a private vehicle when they set up burning barricades and bus when they set up burning barricades and stoned vehicles in September 1984. (*CT* 26.6.85)

SADF IN THE TOWNSHIPS

The South African Defence Force (SADF) has for a number of years been used in joint operations with the police in the townships. From October 1984, however, there has been a regular presence of the SADF in townships where resistance to apartheid has been the greatest. (See *FOCUS* 56 p.3)

From the end of March there has been an almost permanent police and SADF presence in the townships of the Eastern Cape and East Rand in an attempt to suppress resistance. Under the state of emergency the powers of the military to act in the suppression of civil protests and resistance have been extended. The occupation of the townships by the police and army has provoked further resistance and calls for the withdrawal of the armed forces have been voiced by many organisations and churches.

Troops were moved into the townships of the Eastern Cape and the East Rand at the end of March in what was described as 'a supportive role to the police'. The deployment of troops coincided with an announcement by the police that they would no longer give detailed reports of incidents in the townships. These moves indicated that the situation was more serious than the public had been led to believe and underlined the fact that the police could no longer cope with the uprisings on their own.

Several days after the troops had been deployed a statement was made by the Deputy Minister of Law and Order that the police (SAP), SADF and the SA Railways Police would combine 'so that law and order can be restored in areas affected and to maintain internal security'. The SADF, he said, would be used 'to support the SAP in incidents such as roadblocks, cordons, protections, escort duties and such other situations as circumstances may demand. The SADF will not be involved in normal policing duties'. The Deputy Minister indicated that the forces would remain in the townships 'until peace was restored' when he hoped community leaders would talk with the government. (CT 5.4.85; S Tribune 7.4.85)

In an attempt not to appear as a repressive force in the townships but as protectors of peace and property, soldiers have handed out cards to residents bearing the message: 'I am your friend, I do not want to shoot you'. In the Eastern Cape police were reported to be selling toy models of military vehicles in aid of police funds. (CT 11.4.85; CT 4.7.85)

After several days' presence in the townships it became clear that the troops were not merely playing a 'supportive role' but had on some occasions become directly involved in the suppression of protests. For example, on 17 April an SADF patrol opened fire on a crowd of demonstrators at Langa, Uitenhage, and killed a man. (DN 19.4.85)

In mid-June it was announced that six people had been killed and 26 injured as a result of SADF involvement in suppressing demonstrations and protests during the year ending May 1985. Only one of the deaths occurred before 17 April. (Star 12.4.85; DN 19.4.85; Star 18.6.85)

Speaking in the Indian House of Delegates of the segregated parliament on 26 April, the Minister of Defence said that the SADF would, in addition to assisting in the prevention or suppression of internal disorder, shortly be employed in the 'prevention or suppression of terrorism'. Precisely what this meant was unclear but the Internal Security Act makes provision for the SADF to be engaged in operations with the police in countering organised resistance to the apartheid state. (Star 27.4.85)

On 22 May heavily armed police aided by the SADF raided Duduza township outside Nigel. The raid followed the death of a white nurse who was attacked on 21 May. The forces arrived at about 1 am and conducted house-to-house searches. Roadblocks were set up outside the township and all cars were searched. Many youths were detained. (S 23.5.85)

Mounted troops were used for the first time during the current uprisings on 26 May when units of the Cradock commando combined with SAP and other SADF forces to suppress protests. Since that date horses have been used on a number of occasions. On 17 July between 400 and 500 youths who had commandeered a bus in Soweto were rounded up by soldiers on horses. Police conducted a house-to-house search in Tembisa on 2 July while SADF troops stood guard outside the houses; mounted SADF units were again used. The raid followed two hand grenade explosions in which three people died. (BBC 28.5.85; Star 3.7.85; CT/S 4.7.85; GN 18.7.85)

RESISTANCE TO CONSCRIPTION

At the end of June Citizen Force (SADF conscripts) 30-day call-ups were doubled to cope with the continuing resistance in the townships. Conscripts can now be called up for 60 days of continuous active service within the borders of South Africa. Previously conscripts were required in alternate years to do 90 days of active service, and 30 days of training and courses. (DN 25.6.85)

Ever since the use of troops in Sebokeng in October 1984, resistance to conscription in the SADF has increased. During 1985 there has been a five-fold increase over 1984 in the number of conscripts failing to register for military service, according to the End Conscription Campaign (ECC). The ECC, which was launched nationally in July 1984, has seen a large increase in its support since October 1984.

Conscription has become a major issue at most English-language universities. Many students at these universities see the defence force as playing a supportive role to apartheid and reject its involvement in the townships. At the end of June the ECC organised a two-day peace festival at the University of the Witwatersrand to campaign against conscription. (Star 28/29.6.85; ST 30.6.85)

Many churches have spoken out against conscription since the army began to be used to suppress township protests. In June the Southern African Catholic Bishops Conference (SACBC) and the Grahamstown synod of the Methodist Church declared their opposition to conscription and called for an amendment to the Defence Act to make this possible. The South African Council of Churches conveyed to the government a resolution calling for the withdrawal of police and military personnel from the townships. In July the Anglican Church synod condemned police and army action in black townships. This was followed by a telegram from the Archbishop of Cape Town to the Minister of Defence condemning army involvement in the townships. (CT/Star 24.6.85; BBC 4.7.85; Star 12.7.85)

A number of trade unions and other organisations have also called for the withdrawal of police riot units and SADF personnel from black townships. The Federation of South African Trade Unions called on the Minister of Law and Order to withdraw the SAP and SADF from the townships. The UDF has appointed a commission of inquiry to investigate the conduct of the police and Defence Force in the townships. The commission was to include prominent church leaders and local and international jurists. Factors leading to the appointment of the commission were allegations of widespread SAP and SADF violence, numerous requests from community and church leaders and from families of people who have died. (DD 12.7.85; S 15.7.85)

The authorities have rejected calls for withdrawal and maintained that if they were to do so the result would be anarchy. A police spokesman has claimed that 'there have been regular attempts by radical organisations to take over control in unrest areas, and that is the reason for the pressure on the security forces to withdraw'. (BBC 17.7.85)

PRISONS

RELEASES

Two ANC activists, Lele Jacob MOTAUNG (29) and Vuyisile TOLE (55), were released from prison in early June.

Motaung was sentenced to 12 years' imprisonment in the Pretoria Supreme Court on

7 April 1978 for 'participating in terrorist activities'. He was released on parole five years early because of problems with his lungs. Prior to his release he was also offered conditional release by President PW Botha but rejected it. He will be under the Vereeniging Prison for the five year period of the parole, which can be suspended if he fails to observe the conditions on which it was served. Motaung spent his jail

term on Robben Island, at Leeukop, and in Pretoria Central Prison. (City Press 13.6.85; see *FOCUS* 57 p.3, 58 p.10)

Tole was released after 21 years on Robben Island. He was sentenced for 'sabotage and organising youths to attend military training'. He also refused the State President's offer of release if he renounced violence as a political weapon. (City Press 13/16.6.85).

POLITICAL PRISONERS — Addition to list in Briefing Paper No. 17 — July 1985

Name (Approx. age)	Sentence	Law	Date of sentence — Details
SEBOTSA, Patrick Bobby (23)	7 yrs	ISA	May 85 Undergoing military training
TSHABANE, Collins (25)	9 yrs	ISA	24.6.85 Furthering the aims of the ANC; possession of arms and ammunition
MABENA, Siphio Wilfred (24)	12 yrs	ISA	26.6.85 Undergoing military training; participating in ANC activities
THWALA, Diliza Lucky (24)	12 yrs	ISA	

ISA: Internal Security Act

APARTHEID VIOLENCE

During the past year, which has seen sustained and growing resistance, and an increasingly harsh use of armed force by the regime in its attempts to retain control of the townships, there has also been a marked increase in violence of all kinds directed at political activists and community leaders opposed to apartheid.

In some cases there is clear evidence that the state or agents of the state have been responsible for using methods of repression which supplement the far-reaching powers they have under various laws. In other cases it is evident that collaborators of the regime, such as those participating in community and town councils, have organised armed bands at their disposal which are used to attack those opposed to them. There are also indications that white political forces to the right of the government have been active in using such methods.

Before the State of Emergency was declared, a commission of inquiry was established by the UDF to investigate all aspects of such violence.

BOMBINGS AND ATTACKS

A spate of petrol bomb attacks on the homes of activists in organisations aligned to the UDF and on the leadership of AZAPO occurred in February in the Pretoria-Witwatersrand-Vereeniging area. This was paralleled by similar attacks, physical assaults and abductions in May and June in the Eastern Cape. Occurring initially in the context of tensions between AZAPO and UDF affiliates (particularly in Port Elizabeth), increasing evidence has begun to emerge of a force operating in the townships, seeking to exacerbate tensions between the groups by spreading false information and carrying out attacks on activists of one organisation in such a way as to implicate the other. The areas where attacks have been most frequent are those where resistance is most intense, with key leaders singled out as targets. A survey of the press in the period found reports of 80 such attacks of which two thirds were directed at people or organisations linked to the UDF, which is at the forefront of resistance, and one third at members or affiliates of AZAPO.

In the townships of the PWV area (notably Soweto), bombings accompanied by the distribution of fake AZAPO pamphlets attacking the UDF continued after a public truce between AZAPO and the UDF. Slogans expressing identical hostile sentiments were daubed on the homes of UDF and AZAPO activists. Spokesmen for both organisations were convinced that the attacks and fake pamphlet-eering were 'perpetrated by a dirty tricks department which has its origins in the corridors of power'. (S 5.6.85)

Attacks in the Eastern Cape, more frequent and sustained than in the Transvaal, appeared to increase prior to and during attempts by leaders of AZAPO and UDF to ease tension. Bombings, particularly of UDF activists, increased in intensity in the first half of June. Use was made of more sophisticated equipment, petrol bombs being replaced by explosives, requiring ingredients ordinarily unavailable to township residents. The attackers also moved around in minibuses and trucks and on at least two occasions the victims of attacks saw whites and men in balaclavas among the assailants. (DD 8.6.85, 19.6.85; CT 10.6.85)

VIGILANTE SQUADS

Vigilante squads apparently linked to town

councillors have been operating in townships on the East Rand and in Welkom (OFS). A vigilante squad operating from offices leased by the Southern Free State Development Board to the local town council and patrolling in vehicles owned by the board, has subjected the residents of Thabong, local activists and relatives of detainees to a reign of terror. Young people hauled off the streets have been flogged by between three and 14 men at a time, making use of sjamboks. In Thabong three people, including Phula Daniel MABENYANE, are known to have died from injuries sustained in floggings. The National Union of Mineworkers has documented 200 cases of assaults on its members by vigilantes. A member of the Duda Youth Congress, Alexandra PAILANE (20) died after being abducted by vigilantes, who assaulted and tortured him. (S 9/25.6.85; City Press 9.6.85; Star 20.6.85)

HIT SQUADS

The existence of at least three 'hit squads' operating in the PWV area, and aiming to eliminate anti-apartheid activists, have been revealed by UDF and AZAPO leaders since June. They said that a squad of thirty black 'mercenaries' hired by two white men (with no apparent police or state connections) and a prominent Soweto councillor were instructed to abduct and hold hostage 14 prominent activists, to coincide with the June 16 Commemoration. The 'hit list' included UDF leaders currently on trial for treason. (DN 13.6.85; Star 20.6.85)

Two separate 'hit squads', formed by policemen and businessmen in Duda had compiled a hit list of local COSAS activists and community organisers, whom they sought to eliminate. The revelations followed the capture of an alleged member of a hit squad by COSAS activists. (Weekly Mail 28.6.85)

ABDUCTIONS AND DISAPPEARANCES

Several activists have been abducted by persons whose identity has never been established.

In May the Vice President of AZASM, Thami MCERWA, was abducted and interrogated by a group of people who accused him of participating in acts of stoning and looting. He was subsequently the victim of a petrol bomb attack. Patrick LEPUHUNYA (Transvaal Administrative Officer of the UDF) was abducted and interrogated about his activities by four white men (two of whom wore balaclavas) claiming to be agents of the National Intelligence Service. The NIS subsequently denied any knowledge of the incident. (RDM 2.3.85; Speak, May 1985; FOCUS 56 p.5, 57 p.7)

In July four prominent leaders of the UDF in the Eastern Cape died in unexplained circumstances. The charred and mutilated bodies of Mathew GONIWE, Fort CALATA, Siculo MHLAWULI and Sparrow MKONTO were found at Blue Water Bay, near Port Elizabeth, scattered around the burnt out car in which they were returning to Cradock from a UDF briefing in Port Elizabeth. While police have blamed AZAPO for the assassinations, both UDF and AZAPO spokesmen remain convinced that the authorities were involved. There is no history of UDF/AZAPO rivalry in Cradock, the area from where the men came. UDF spokesmen in Port Elizabeth stated that the question of the men's return journey to Cradock on the night of the meeting was discussed as the last item on the agenda. They agreed not to stop for anyone except uniformed police. The body of the car

showed no damage, discounting the possibility that it was forced off the road. On the night of the disappearance a road block was set up by police before the turn-off to Blue Water Bay where the bodies were found. According to Goniwe's father, police raided his home a few days prior to the disappearance. The assassination of the four recalls the murder in similar circumstances of Griffiths MXENGE in November 1981. Mxenge's wife, Victoria, a prominent Natal lawyer and activist was herself the victim of an assassination on 1 August, by unknown assailants. At the time of her death she was acting for the accused in the UDF treason trial. (DN/S 5.7.85; GN 29.7.85, 2.8.85; FOCUS 38 p.1, 52 p.6, 53 pp.3,7, 54 p.6, 56 pp.3-4, 58 p.11)

At least another 27 people have disappeared since the current wave of resistance began. Three leaders of PEBCO, Siphon HASHE (58), Qaqawuli GODOLOZI and Champion GALELA went missing on the morning of 8 May. They were last seen before leaving by car for Port Elizabeth airport after receiving a phone call asking them to meet someone there from the British Embassy. An application brought before the Supreme Court in May calling on the Minister of Law and Order to produce the men was dismissed with costs. The applicant, Phumeza Hashe, Siphon Hashe's daughter, told the court that she had been detained and that while she was in detention members of the security police threatened the life of her father.

In July a second application was brought before the court by relatives of the detained men, requesting that they be produced or that the records of arrests at local police stations for 8 May be produced. Advocates for the family produced witnesses claiming that airport workers had seen security police arrest the men and that people who knew Hashe saw him in the Mount Road Police Station on 10 June. (Star 23.5.85; S 5.7.85; DD 18.7.85)

GRENADES INCIDENT

Eight COSAS activists died in a series of grenade explosions in circumstances that are still to be explained. The eight died in three separate explosions in Duda, Kwa Thema and Tsakane on the same night. Six of the men had their right hands blown off. Police sources claim the men died when the grenades exploded prematurely during a co-ordinated attack on the homes of policemen. A ballistics expert has however discounted the possibility that all the grenades would have malfunctioned or could have been misused.

At least two witnesses stated that the bodies showed signs of bullet wounds and one witness claimed that his brother's body was full of dog bites.

A further witness Nicholas Shata (COSAS executive member) was subsequently granted a Supreme Court Order protecting him from assault or harassment by the police. He saw a van full of armed men proceeding to the COSAS executive meeting on the night on which the incidents took place. He fled and did not witness what occurred afterwards.

At least one press report claims that a hand grenade was thrown at the three COSAS activists who were killed in Duda. Seven COSAS members injured in the explosions have been detained in hospital and their families have been denied access to them. Sandile NOBLE who drove two of the injured to hospital has disappeared unaccountably. (DD 28.6.85; S 5.7.85; Tel 28.6.85; Star 27.6.85; DD 28.6.85; S 10.7.85; Weekly Mail 28.6.85; Star 4.7.85; City Press 4.7.85)

TRIAL TORTURE REVEALED

The trial of alleged SWAPO combatants Veiko Paulus NGHITWEA (24) and Sam MUNDJINDJI (28), continued during April and May in the Windhoek Supreme Court. Nghitewa and Mundjindji face three charges in connection with the disappearance and alleged murder in June 1983 of Martin Shaanyenange, a radio announcer with the South West Africa Broadcasting Corporation (SWABC). (FOCUS 57 p.8, 58 p.3) Reports of the proceedings have been sporadic and incomplete. However, the information which is available has confirmed earlier evidence that the men were assaulted during the lengthy period they were kept in detention before being brought to court.

Much of the evidence came out during a 'trial within a trial' to determine the admissibility of statements and pleas made by the accused at an earlier appearance in a magi-

strates' court. Although no date for this hearing has been reported, it was at a time when the accused had no access to legal defence or advice. Access to a lawyer was only granted in November. According to the state, at the preliminary hearing, and in accordance with Article 119 of the Criminal Procedure Act, the men pleaded guilty to abduction, and robbery with aggravating circumstances, but not guilty to the third charge of murder. In the Windhoek Supreme Court on 5 February the men pleaded not guilty to all the charges.

Lucky SHOOPALA was called as a witness for the defence. Shoopala, of Ongwediva, was detained for more than seven months in 1983. He told the court about his own torture as well as the condition of his fellow detainees. He said he was arrested after his house was gutted by fire and police allegedly found an AK47 rifle amongst his possessions. In an attempt to force him to make a confession about this he was blindfolded and given electric shock torture. He was beaten with a stick and forced to spend a night in a mortuary with the corpse of a woman. Shoopala said he made a complaint

about his treatment to Colonel Meyer, commander of the Security Branch at Oshakati.

Nghitewa and Mundjindji were detained at Oshakati while Shoopala was there. He told the court how on several occasions he saw Nghitewa having to be supported after leaving police offices — 'He had been beaten to the point where he could no longer walk on his own'. He saw the two men regularly while they were going to bathe and he noticed fresh bruises on Nghitewa's body as if he had been beaten.

Judge Mouton was due to give judgement in the 'trial within a trial' on 16 April but no information on his decision is available. The trial continued during the last week in May with evidence from a state witness, Michel Nguwanapo. It was not clear whether he was technically 'warned' as an accomplice but he did tell the court he was giving his evidence 'otherwise he could face the same charges as the two men in court'. Other state witnesses have also given evidence under pressure: defence lawyers successfully asked for police officers to withdraw from court during the evidence of Boas Mweendeleli in February. (WA 14.2.85; WO 16.3.85, 1.6.85)

namibia

DETENTIONS IN NAMIBIA

On 20 June the Windhoek Supreme Court handed down an order instructing the Administrator General and the officer commanding the Windhoek Prison to allow Joseph KATOFA access to his attorney. Katofa, a shopkeeper from Ombalanti, detained originally under Proclamation AG9 in May 1984, has been held since December 1984 under Proclamation AG26 of 1976. The application was brought by his brother Efraim KATOFA, himself a former Kassinga detainee. He claimed that while he was allowed to visit his brother on one occasion, Katofa's attorney has been refused access to him; Katofa told his brother on the occasion of the visit that he had been assaulted in the early stages of his detention and had not been visited by a doctor or magistrate. The advocate acting for Katofa argued that the failure of doctors or magistrates to visit the detainee in terms of the mandatory periods required by the provisions of Proclamation AG26 implied that the detention was unlawful.

The state's Attorney General opposed the terms of the application. However, the judges of the Supreme Court decided in favour of the application, ruling that denying Katofa access to his attorney and the irregularity of visits by doctors and magistrates contravened the terms of AG26. The court ordered the Administrator General to grant Katofa access to his attorney and instructed the Attorney General to show reason why the prisoner should not be released from custody by 1 August. In a separate ruling the Attorney General was ordered to show why the provisions of AG26 had not been complied with. The ruling in the court case could set a precedent for the conditions under which certain detainees are held. (WA 11.6.85; WA 21.6.85; FOCUS 52 p.2, 54 p.12)

Three SWAPO guerrillas, said to have been captured by South African forces, during the

SADF attack on Angola in early July, were displayed to the media at a press conference on 2 July. They were Wilson HISHINOIWA, Michel WILLEM and Tangeni PAULUS. Paulus, aged 18 years of age, was wounded and appeared at the press conference in a wheelchair. The South African authorities have consistently refused to recognise captured SWAPO combatants as prisoners of war. It is unusual for the authorities to report the capture of guerrillas. Most are held incommunicado and tortured to extract information. (DD 3.7.85; WA 3.7.85; FOCUS 56, p.9)

More details have emerged about three Barclays Bank workers detained in northern Namibia in January and reported in FOCUS 58. Oscar SHIKOYENI, a clerk at the Ondangwa branch was detained on 25 January. On 30 January Oscar HALUDILU (35), an accountant at Oshakati, and Ndeuka NAKATANANA, a clerk at the same branch, were both held.

The South African ambassador to Britain has stated that the men's detentions were related to investigations into 'a series of terrorist incidents' in the Ovambo bantustan. He said a court case would take place later this year and that the Attorney General had appointed extra staff to speed up the process. He linked the case of the three to that of other unnamed detainees. (Documents held by IDAF Research, Information and Publications Department; FOCUS 58 p.2)

In terms of a decision by the cabinet of the newly installed interim administration, seven people held under the Security Districts Proclamation AG9 of 1977 have been released. The authorities have not disclosed the names of the detainees for 'security reasons' or the dates and circumstances of their arrests. (DD 25.6.85; S 25.6.85)

FOCUS 59 reported the detention in March

1985 of Napoleon and Johannes Uuotoni. According to a report in CCN Information, bulletin of the Council of Churches in Namibia, Koevoet members who participated in an attack on the Uuotoni home and assaulted members of the family, alleged that Napoleon Uuotoni was 'the one who had killed two American officers including a local businessman Thomas Nakambode' in a bomb explosion at the Okatana fuel station on 15 April 1984. (CCN Information, May 1985)

HARASSMENT OF FORMER MARIENTAL DETAINEES

Four SWAPO members formerly held at the Mariental camp following the SADF raid on Kassinga in 1978, and released in 1984 with 127 others, were among six men arrested by police on 3 June. They were arrested in the morning while waiting on the pavement outside the offices of the Namibian Council of Churches in Windhoek. Abed NATHANIEL, Matheus ANDREAS, Josef UUWANGA and Naftali PAULUS were waiting to meet the Secretary General of the Council when the incident occurred. They said that they were taken to a garage at Police Headquarters and asked to produce identity documents. They were beaten about the face and stomach and then forced to wash down police vehicles. Two men were released at 1 pm. The four others were held until 4 pm. They were taken to another area and forced to 'bait' police dogs. According to a local newspaper report 'they were ordered to taunt the animals by kicking at them and making growling noises. The dogs' leashes were then released sufficiently to force the men to have to run to escape getting bitten'. Andreas, whose leg was injured in the Kassinga raid, could not run fast enough and was bitten. (WA 4.6.85)

REPRESSION GROWS UNDER MPC ADMINISTRATION

The inauguration of the Multi-Party Conference (MPC) 'Transitional Government' in Namibia has been accompanied by renewed repression of SWAPO members and other Namibians opposed to the new administration, which has been declared by the United Nations to be 'null and void'.

The official inauguration ceremonies on 17 June were opened by South African President P W Botha and involved a show of military strength in Windhoek. On the same day a crowd of about four thousand people attended an all-day rally in Katutura to protest at the new regime. Organised by SWAPO and other political organisations opposed to the Multi-Party Conference, the rally was addressed by a number of speakers including the Vice-President of SWAPO, Pastor Hendrik Witbooi. The speakers condemned the MPC administration as a South African attempt to prevent the implementation of UN Security Council Resolution 435 which provides for a ceasefire, UN supervised elections and Namibian independence. They labelled the new administration a 'puppet show'. (WA 18.6.85)

At the end of the day, around one and a half thousand people left the rally and marched through Katutura, singing freedom songs and chanting '435 now!'. Half a dozen armoured personnel carriers bearing members of the Koevoet police counter-insurgency unit followed the march, and a few minutes later a further eight armoured vehicles cut off the front of the march, boxing in the demonstrators. Without warning, teargas was fired into the crowd and the Koevoet members — numbering between a hundred and fifty and two hundred — disembarked and began randomly assaulting the crowd with batons. (Namibia Communications Centre (NCC) 18.6.85; CT 18.6.85)

Men, women and children were beaten indiscriminately. Witnesses told of women being beaten and kicked by five or six policemen as they lay helpless on the ground. Koevoet police also attacked local residents in their homes and threw teargas grenades into houses. The Council of Churches in Namibia (CCN) named 71 people who had been injured in the attack, including a man who was shot in the leg, a woman whose eye was lost through being poked by a baton and a pregnant woman who lost her baby in the violence. Press reporters attempting to ascertain the number of people injured were turned away from the Katutura hospital. It was alleged that some of the injured were told by hospital staff that they could not be treated and should 'go and look for SWAPO doctors'. (NCC 21.6.85; WA 18/21.6.85)

REPRESSIVE STRUCTURES

The breakup of the demonstration was one of the first occasions that the Koevoet unit has been used in strength in the urban areas. The unit is based in the north at Oshakati and is usually deployed almost exclusively in the war zones. It has gained a reputation for widespread torture, brutality and indiscipline and has been found to have carried out a number of civilian massacres. Press reports on the Katutura events noted that the Koevoet police 'seemed to enjoy the action and before and after the violence laughed and joked tauntingly'. Pastor Kameeta, a leading figure

in the CCN, described the Koevoet presence in Windhoek as 'the devil among us'.

The Koevoet units were brought into Windhoek a few days before the inauguration of the new administration and were present in force at an open air church meeting held in Katutura the day before the inauguration, although on this occasion there were no incidents of violence. A demonstrator who was arrested and taken to a police station reported that he overheard two Koevoet policemen asking an officer for 'permission to kill' those detained. (NCC 18.6.85; LWI 1985; WA 18.6.85)

Accommodation for 300 Security Policemen — presumably Koevoet — was reportedly being sought in the Katutura hostel, indicating that Koevoet will be permanently deployed in Windhoek. The plan to house the policemen in Katutura was opposed by the township Advisory Board on the grounds that they would provoke violence and cause other residents to move out. (WA 22.5.85)

Koevoet now falls under the command of Major General A J C Gouws, who is head of the 'SWA Police' and thus technically answerable to the MPC administration. In practice the South African police retain control over the SWA Police through the large number of South African personnel 'on secondment' in Namibia and Pretoria's overall political and financial control in the territory.

The South African Defence Force remains solely responsible for command of all military operations, including operations involving counter-insurgency police forces such as Koevoet. The MPC administration has admitted that it has no control over SADF deployments in the northern war zone and in Angola. The MPC's power is further weakened in the police and military fields by Pretoria's retention of responsibility for foreign affairs and defence and the failure of the MPC 'cabinet' to allocate a ministerial portfolio for defence. According to a leading member of the transitional authority the portfolio is 'too sensitive' to be handed to a representative of any one of the political parties represented in the 'cabinet'. It has been stated that all eight ministers will have joint responsibility with 'the security chiefs', South African appointees heading the police and military occupation forces. (Star 19.4.85; WA 2.5.85; DD 6.6.85)

With Pretoria's control over the police and military forces in the new administration assured, a number of steps are likely to be taken to give the impression that the MPC is reforming the 'security' system in Namibia. According to an MPC spokesman, for cosmetic reasons Koevoet will probably be disbanded and reassembled under a different name.

NEW LAWS

Two days before the inauguration of the new administration three South African laws were extended by proclamation to Namibia — the *Intimidation Act*, the *Protection of Information Act* and the *Demonstrations in or near Court Buildings Prohibition Act*, all of which came into force in South Africa itself in 1982. The Intimidation Act was specifically drawn up to deal, among other things, with election boycotts. The Demonstrations in or near Court Buildings Prohibition Act has been used in South Africa to suppress protests and demonstrations at political trials, while the Protection of Information Act imposes wide-ranging restrictions on the pro-

vision or publication of information on police, military and government bodies and activities. The Proclamation establishing the MPC administration itself prohibits 'any disturbance in or in the vicinity of the Assembly' which would be likely to 'interrupt' its proceedings. The MPC has also attempted to control the flow of information on administrative matters by proposing a system of accreditation for journalists, but this has been rejected by media representatives. (WA 1.5.85, 24.5.85; Proclamation AG29 of 1985, Extraordinary Gazette 15.6.85).

INCREASING RESISTANCE

Police raided the homes of leading SWAPO members in Namibia before the establishment of the MPC administration and confiscated documents, leading to speculation that the SWAPO leadership inside Namibia would be put on trial. (See FOCUS 59 p.11) In one of its first moves, the MPC 'cabinet' rejected a call for the declaration of a national amnesty for political prisoners but seven unnamed individuals held under emergency legislation were released. (WA 28.5.85, 26.6.85; CT 25.6.85)

SWAPO and church leaders in Namibia have warned that the implementation of the MPC administration will lead to a further escalation of violence and repression as the administration will be unable to dismantle the apparatus of repression or end the illegal South African military occupation of the territory. In a statement issued on 20 June the United Evangelical Church noted that 'Violence is escalating, especially in the northern part of Namibia. More people have been killed since the beginning of this year than the whole of last year. People are daily subjected to suffering, murder and bloodshed. There is no sign or prospect for peace'. The United Evangelical Church added its voice to that of the CCN and the Catholic Church in condemning the establishment of the new administration. (NCC 20.6.85)

Resistance to the MPC has increased both inside Namibia and internationally. Describing the administration as a further delaying tactic by Pretoria to prevent the implementation of UN Resolution 435 and allow genuine independence in Namibia, SWAPO Secretary for Information Hidipo Hamutenya warned: 'The only choice open to us is to fight'. He said that the MPC leaders would be unable to change the social and economic situation in the territory and predicted the collapse of the administration within three years. (GN 14.6.85)

Meeting only two days after the MPC was installed in Windhoek, the United Nations Security Council adopted a resolution condemning South Africa for 'its continued illegal occupation of Namibia', labelled the installation of the administration as 'a direct affront' to the Security Council, declared the new administration to be 'null and void' and stated that no recognition would be accorded it by the UN or any member state. It demanded that Pretoria rescind the administration and requested the Secretary General to report on the progress of the implementation of its resolution by 15 September. Continued obstruction by South Africa would impel the Security Council to 'consider the adoption of appropriate measures under the UN Charter, including Chapter VII' — a reference to sanctions. The Council also for the first time called on member states to take voluntary measures to isolate and punish South Africa. (NCC 19.6.85)

DIVISIONS IN ADMINISTRATION

Inside Namibia, there is little sign that the MPC has succeeded in widening the base of its support, which rests on the seven small parties composing the new administration. Nor has it been able to overcome the differences between the various parties, which include the right-wing white National Party. A particular source of disagreement is the MPC's approach to the second-tier bantustan structures established in 1980 by Proclamation AG8. While two of the black parties in the MPC, SWAPO-D and a faction of SWANU, see the dismantling of the second-tier system as vital to the credibility of the new administration, other parties are bitterly opposed to any such move. Although the second-tier administrations are in a state of disarray it is unlikely that Pretoria will allow the bantustan principle to be abandoned in Namibia. (*Action on Namibia* 10.6.85; *WA* 28.6.85)

SWAPO has warned that the fragmentation of Namibia into 'tribal satellites' is continuing, and that a secret plan has been put into motion to separate the Eastern Caprivi bantustan from the rest of Namibia, in much the same way as the South African regime has annexed Walvis Bay and now administers it as part of the Cape Province. Pretoria could conceivably find an historic 'justification' for the separation of the Caprivi in old colonial treaties, as it has done with regard to Walvis Bay. Already highly militarised, the strategic Eastern Caprivi bantustan borders on Botswana, Angola, Zimbabwe and Zambia. Whether the South African regime is planning to pass the Eastern Caprivi directly over to Pretoria's administration or to set it up as an 'independent' bantustan is unclear, as the regime will only admit that it is devising 'a new constitutional dispensation' for the area. (*Uniform* 27.4.85; *WA* 17.4.85; *BBC* 16.6.85)

South African officials have been meeting with Eastern Caprivi bantustan leaders. In addition Mishake Muyongo, the President of the Caprivi African National Union (CANU) and four other CANU leaders have returned from exile in Zambia. CANU was at one stage affiliated to SWAPO but Muyongo and others were expelled in 1980 for carrying on 'secessionist activities'. Muyongo did not deny press speculation that CANU would favour secession of the Caprivi area or alternatively join the MPC administration. Secession is believed to be favoured by the SADF and it would be extremely difficult for CANU to join the MPC administration, given the proportional breakdown of representation between the various constituent parties. In April, the Katima Mulilo base, the venue for the 'independence' talks, was bombed just prior to a meeting of SADF and bantustan leaders, causing extensive damage. The SADF blamed SWAPO guerrillas. (*WA* 12.7.85; *Uniform* 27.4.85; *DD* 10.7.85)

ARMED STRUGGLE

The attack on Katima Mulilo base was only one of many SWAPO military actions in Namibia. During the first five months of 1985, the SADF reported a total of 58 sabotage attacks by SWAPO guerrillas. It was further claimed that over 700 guerrillas had been detected in northern Namibia, of whom it was claimed 330 had been killed. While he rejected SADF claims of the number of guerrillas killed, SWAPO President Sam Nujoma said that by the end of June the liberation movement's military actions represented a threefold increase compared to the whole of 1984. Major SWAPO actions have included the sabotage of power facilities, attacks on the Ruacana and Eenhana military bases, the bombardment of the militarised town of Oshakati, the sabotage of a bridge on a newly completed strategic highway between

Oshakati and Ruacana, and a number of attacks on bantustan leaders collaborating with the SADF. (*WO* 19.1.85, 27.4.85, 18.5.85; *DD* 8/19/25.6.85)

ATTACK ON ANGOLA

Using continued SWAPO actions as an alleged justification, the SADF launched a major military operation against Angola at the end of June, penetrating some 40 km into Angolan territory. According to General Constand Viljoen, the chief of the SADF, 57 SWAPO guerrillas had been killed and five captured, for the loss of only one South African soldier. The invasion came only a few days after the United Nations Security Council had issued a strong condemnation of an SADF attack on Botswana and the attempted sabotage of an Angolan oil refinery by a South African commando unit. For some weeks before the invasion, the Angolan authorities had warned that an estimated 20,000 South African troops were massing on the Angola/Namibia border. (*BBC* 5.7.85)

The attack on Angola coincided with a meeting between South African Foreign Minister Roelof Botha and Jonas Savimbi, the head of the South African-backed UNITA force. The Angolan press agency, Angop, said the meeting was to 'draw up plans for sabotage actions to destabilise Angola'. Soon afterwards the United States Congress voted to lift a ban on US aid to UNITA, causing the Angolan government to break off all its diplomatic contacts with the United States. The Organisation of African Unity expressed its 'great concern' at the US Congress decision and

warned that US support for UNITA would be regarded as 'a hostile act against the African Organisation'. The Angolan authorities stated that in the first six months of 1985 1,486 UNITA members had been killed in armed clashes with the Angolan forces. In the same period, the Ministry of Defence had registered 71 violations of Angolan airspace by South African military aircraft. (*BBC* 2/11.7.85; *Obs* 14.7.85; *Angop* 31.7.85)

The South African attack on Angola at the end of June was the most serious act of aggression by the SADF since the signing of the Lusaka agreement over a year previously. South African troops have never fully withdrawn from Angolan territory as provided for in the Lusaka agreement and areas that have been evacuated have been reoccupied by three battalions of UNITA troops — some 20,000 men. The SADF claimed that the invasion was a 'hot pursuit' raid against SWAPO guerrillas, but SWAPO refuted this, saying that its guerrillas were based inside Namibia. SWAPO stated that the raid was aimed at boosting the morale of white South Africans and the MPC after the failure of the commando operation in Cabinda and the escalation of SWAPO guerrilla activity inside Namibia. Aggression against Angola would 'never eliminate the central contradiction in Namibia', said SWAPO, which was between 'the oppressed Namibian people's determination to gain genuine independence and South Africa's manoeuvres to continue clinging on to Namibia either directly or indirectly through their puppets'. (*Tel* 19.6.85, 1.7.85; *MS* 1.7.85; *BBC* 5.7.85)

PRISONS

RELEASES

Lazarus Carl GUITEB, secretary of SWAPO at the time he was jailed by the Windhoek Supreme Court in 1977 for activities in support of the liberation movement, was released from Windhoek Prison on 12 July, having completed his sentence. Evidence was led at his trial that Guiteb assisted SWAPO guerrillas who brought arms into the country and ambushed a South African army patrol. Guiteb was originally held on Robben Island but was transferred to Windhoek along with Toivo Ja TOIVO, in 1984. (*WA* 15.7.85; *FOCUS* 11 pp.13-14, 12 p.8, 33 p.8, 52 p.3, 57 p.9)

ESCAPE

Lucius Nangala MALAMBO, a SWAPO combatant sentenced to 11 years imprisonment in the Windhoek Supreme Court in February 1982, escaped from Windhoek Prison on 8

July. Malambo was found guilty with 2 others of entering Namibia and taking part in various acts of sabotage in the white owned farming region between Otavi, Tsumeb and Grootfontein. These included blowing up water installations, planting land mines, destroying a railway track and cutting telephone wires on farms. They also distributed SWAPO leaflets throughout the area.

According to local press reports a warder neglected to lock Malambo's cell door. He closed the door of his cell himself in such a manner that it appeared to be locked. He later escaped by climbing over the prison wall using knotted sheets. In 1983 Malambo and two other prisoners went on a hunger strike against the conditions of their imprisonment. They claimed that they were held apart from one another and were kept in solitary confinement in the death cells. (*WA* 9.7.85; *WO* 13.7.85; *FOCUS* 40 p.8, 41 pp.1,4, 47 p.8, 51 p.3, 57 p.4)

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CIVILIANS SUFFER

The extension of the Security Districts Proclamation in March has further sealed off the war zones of northern Namibia from the rest of the country. In a period characterised by an intensification of SWAPO's armed struggle, another military attack into Angola and further brutal repression of the civilian population by the South African forces, information about military operations in the 'operational area' became even more difficult to obtain. Reports indicated that the permit system restricting entry into the north and north eastern bantustans was being strictly enforced. Hans Rohr, leader of the Namibia Christian Democratic Party, who has in the past exposed atrocities committed by the armed forces, was refused entry to the western half of the Kavango bantustan even though he had the necessary permission. (WA 29.5.85)

In spite of censorship, details of many acts of sabotage support the view that PLAN combatants have increased their activities during 1985. In June, church sources reported 'numerous incidents of conflict between South Africa and SWAPO in recent months in northern Namibia'. (NCC, London, 8.6.85; see p.9)

Attacks on targets of strategic and economic importance were particularly significant. Supplies from the Ruacana hydro-electric power station were interrupted twice within three months, forcing the authorities to switch to alternative sources of electricity. An article in the *Windhoek Observer* reporting the first disruption in supply was heavily censored. Attacks were reported on military installations, transport and communication lines, bantustan officials and their property.

Faced with continuing widespread support for SWAPO, the regime resorted yet again to brutal methods of intimidation. In April two women were murdered in Omuthiya, a village north of Oshivello on the southern edge of the Ovambo bantustan only just inside the proclaimed war zones. Three men came to the house of Helena NUYUNI on the evening of 16 April. As it was after the curfew time she ignored their greeting until one of them identified himself as a South African policeman. She was taken away by the men who ordered her

children to remain in the house. The next morning Helena Nuyuni's decapitated body was discovered nearby.

The men then went to the nearby home of Victoria AMOOMO, the owner of a food shop, and took her away, leaving her 10 year old son unattended. He and his elder brother found their mother's body the following morning with her head cut off. Local witnesses who, like the murdered women, belong to the Evangelical Lutheran Church, were said to believe the men responsible were 'connected in some way with the South African Security Police'.

During the last week of April South African forces set fire to a house in Onambushu, near Oshakati, killing an elderly, blind woman who was trapped inside. The soldiers were reported to be in pursuit of guerillas. They set fire to the house without warning and burnt it to the ground. Most of the family ran away as the soldiers approached but due to age and disability Vihelmina Shalimba WAKALONDWA was unable to escape.

Another woman, Maria KAMBANGULA, was tortured by South African soldiers who took her from her house in the Onankali region of northern Namibia on the night of 11 May. Soldiers, apparently from the nearby Okatope military base, beat, kicked and throttled her. For several hours she was tortured by being buried in sand until she was almost unconscious. She was later treated in hospital for a fractured shoulder and other injuries. (CCN Information June 1985)

INQUESTS

A number of recent inquests and court cases further indicate the level of violence meted out to Namibian civilians by the military. Reports of the proceedings lack many specific details but throw light on the 'shoot to kill' policy of the SADF.

● In February a member of the SADF was found criminally responsible for the deaths of four people killed after their home in Gawa village was set alight in August 1984. The victims, including three generations of one family, were named as Barbara KASIKU (64), her son Raphael GERARD (48), his son Gerard RAPHAEL (4) and Rudolf ERASMUS (8). Details of the SADF raid were first released last year at a press conference called by Hans Rohr, leader of the Namibia Christian Democratic Party. He said that after shooting the family the soldiers set alight to the house to destroy the evidence. Gerard's wife and two other children escaped death although all were wounded. (See FOCUS 55 p.8)

Second Lieutenant Brand WESSELS (20), commander of a military patrol, told how he and his men approached the homestead. He admitted throwing a white phosphorus grenade at the house, which caught alight. Another soldier, Phillips CHIVIYA (19), alleged they had followed a group of 'Ovambo-speaking men' to the home. The magistrate ruled that 'death was caused by an action or omission which amounts to a crime by a member of the SADF'. (WA/RDM/CT/DD 7.2.85)

● In an inquest the same month at Ondangua, members of a police patrol were exonerated of all responsibility for the death by shooting of two unarmed civilians whom they claimed they mistook for SWAPO insurgents. The magistrate found that they had acted within Section 103 of the South African Defence Act which gives indemnity to members of the armed forces whenever their deeds are *bona fide* for the prevention or suppression of 'terrorism' in any operational area.

The patrol was led by Constable Brian BARTLETT (26), of the Security Branch of the South African police. The shooting took place at 9.30pm on an unspecified day at Oshilulu. Describing the light as 'not bad' and with a 'half moon' the officer reported sighting the men at a distance of 75 metres. He claimed that it appeared as if one of them was armed and carrying something over his shoulder which could have been a bag filled with ammunition clips. He gave orders to shoot and the entire patrol unit opened fire, killing the two men. On examination of the bodies the men were found to be unarmed: one was carrying a bag of 'trash'. Another patrol member Christiaan DE WIT told the court the men 'moved the way insurgents do'. One of the victims was identified as Elia SIMON (24). The file of the other slain man was not in court. (WO 16.2.85)

● Immanuel PETRUS (38) was shot dead on 28 July 1984 by two special constables who claimed at an inquest that they mistook him for a SWAPO insurgent. David ANANAES (22) and David FILEMON (21) were guarding the home of a bantustan official when they saw Petrus, who was described as 'mentally disturbed', lighting a fire some 80 metres away. They shouted at him to identify himself and opened fire when he failed to reply. Petrus, who lived nearby, was known to both the policemen.

The inquest magistrate accepted that criminal liability was involved but found 'it was not possible to determine on the evidence before the court who had fired the fatal shot'. (DD/WA 21.2.85)



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