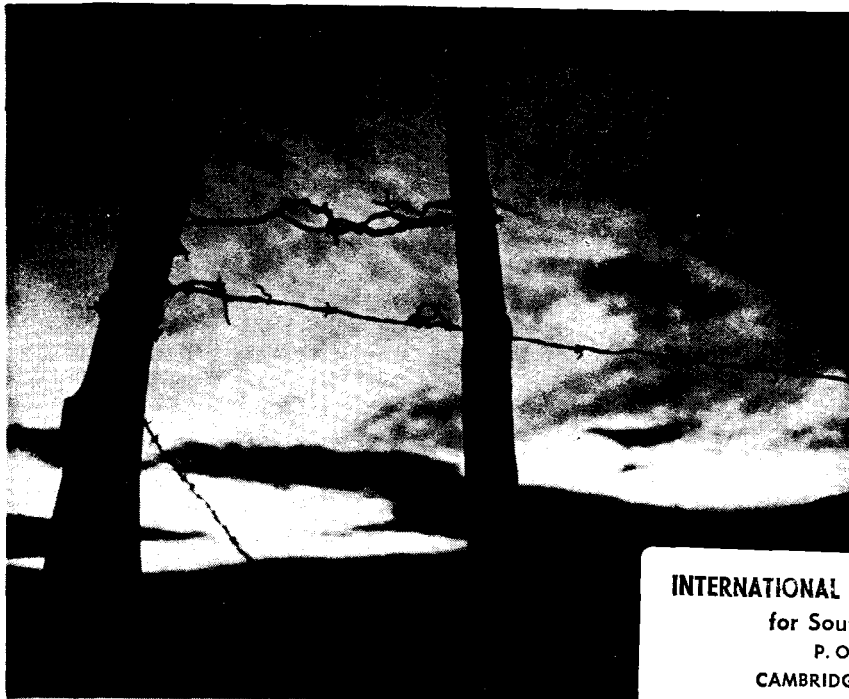


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focus

ON POLITICAL
REPRESSION IN
SOUTHERN AFRICA

INTERNATIONAL DEFENSE & AID FUND
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No 7 November 1976

THE BLACK REVOLT CONTINUES

Nationwide unrest continued in South Africa throughout August and September. For the first time demonstrations by black people took place in the 'white' city centres of Cape Town and Johannesburg rather than in the townships. There were also several reports of agricultural arson — fires being deliberately started on white-owned farms as an expression of protest by rural Africans.

Continuing from FOCUS No. 6 (page 2) main events are summarised in the following chronology:

August

- 23 Second stay-at-home by Soweto residents.
- 24 Soweto hostel residents attack township homes, apparently with police encouragement and orders to kill local leaders. Clashes in Bonteheuwel, Cape Town.

Sept

- 1 Stay-at-home by Port Elizabeth residents begins.
- 2/3 City centre demonstration in Cape Town, met by tear gas and shooting. Several deaths.
- 7/8 More clashes in Cape Town and nearby towns including Stellenbosch. First African demonstration in Kimberley.
- 10 Large demonstration by Coloured schoolchildren in Port Elizabeth.
- 11/12 Unrest continues in W. Cape. Also at Lovedale and Uitenhage.
- 13 Third Soweto stay-at-home, with

14

approx. 80% success.

African schoolchildren stage protest marches in Port Elizabeth and Durban. Hundreds arrested.

15

As Soweto stay-at-home comes to an end, Cape Town stay-at-home begins. Virtually 100% success. Clashes in Port Elizabeth and Bloemfontein.

16/17

Severe clashes in Athlone (Cape Town); at least 15 people killed by police.

17

Six Soweto children shot dead during anti-Kissinger demonstration.

20

Three day stay-at-home by Tembisa residents begins, with 100% support.

WHITE FARMS BURNT

About 30 veld fires have been reported on farmland in the Transvaal, Orange Free State, Northern Cape and Natal. Livestock, crops and buildings valued in millions of rand have been destroyed. Such fires are a farming hazard, and can be caused accidentally or by lightning, but the number and location of recent fires suggest arson.

One victim was the Minister of Agriculture Mr. Hendrik Schoeman, whose Transvaal farm suffered R100,000 damage. Another was Prime Minister Vorster's son-in-law Mr. Andre Kolver, who lost 2000 sheep and suffered much damage to land and buildings at his Orange Free State (OFS) farm (ST 26.9.76)

About 150,000 ha. of grazing land were destroyed in the Fauriesmith area of the OFS. Other fires occurred at Luckhoff and Heilbron. Cape districts to suffer include Kuruman, Colesberg, Molteno, Middelburg, Rosmead, Schoombie and Dordrecht. In Natal 10,000 ha. of grazing land near Greytown was destroyed on 12 farms, while sugar and timber plantations near Maritzburg were also burnt. (RDM 21.9.76)

In the Eastern Transvaal at least seven sawmills and surrounding forest have

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rhodesia ZIMBABWE

DETENTIONS CONTINUE

As the Geneva Constitutional Conference between African Nationalist representatives and the Smith regime approached, there was no sign of any change in the regime's policy of detaining its opponents without trial. At the start of the conference there were nearly 1,000 such persons held under the Emergency Powers Act. Several are leading members of the nationalist movement, who may be expected to have a role to play in any genuine transition to majority rule.

Rev. HENRY KACHIDZA

Rev. Henry Kachidza, a retired Methodist minister and treasurer of the ANC (Muzorewa wing) was arrested in Salisbury on 17 July and taken to prison at Gwelo. In October he was released and permitted to join the ANC delegation to the Geneva conference.

The following outline of Rev. Kachidza's arrest and detention was compiled by Rev. R. Elliott Kendall, of the British Council of Churches.

"At mid-day on Friday, July 16th, he was preparing to go home to lunch, but went first to make some purchases from local shops. As he stepped out of his car by the Christian Care offices in Sinoia Street four Europeans approached him and took him back into his office. Any staff members were thrust out and the offices were ransacked. Cheque books, accounts books and papers were taken. Henry was then driven to his home at Highfields. The outside gate was locked and his daughter was so frightened at the car with the four men that she refused to unlock it. They turned the car and reversed it into the gate to break it down. Henry was then allowed to get out and call to his daughter and she opened it. His wife was out and had taken with her the key to their bedroom. The four police ransacked the house, broke into the bedroom, abused the family, and removed papers. The house was left upside down and Henry was taken away to a police station, being refused permission to take anything with him.

His married daughter, Mary, returned home about 5 p.m., and began to visit police stations for news; at 9.20 p.m. she discovered that he was at Southerton Police Station. At no time were members of the family allowed to see him. The next day she visited the Security Police and was told that Henry was incommuni-

cado. She attempted to send clothes as Salisbury is chilly in July, and, more important, to send medicine, as he suffers from angina and needs drops in times of stress. Her offer of these things to the official at the Security Police was rudely rejected.

At one point the police telephoned the home to notify Mrs. Kachidza that her husband was being held, and for a few moments Henry was allowed to speak to his wife on the phone. He was then moved to Chikurubi prison about 17 miles outside Salisbury. Prisoners are only given a single diet of "sadza" in rough utensils. His daughter took cooked food for him; the African warder tipped the remains of earlier food on to the ground and accepted the food on dirty enamel plates.

At one point it was possible to see him at a little distance, walking in the compound behind a wire fence, wearing prison clothes, without shoes and without spectacles. From the time of his arrest he has not been allowed to have his medicine or his spectacles. Later he was seen at close quarters, unwashed and unshaven, with signs of blood and bruises on his face. His face looked as if he had been knocked around. He smiled, but he had obviously been beaten up.

In a conversation with a certain person he said that he had one blanket and inadequate clothes. It was cold at nights and he was sleeping on a wooden bed. Another person confirmed that he had been knocked about.

He was then moved to Wha Wha, near Gwelo, about 200 miles from Salisbury. His family were told that his detention order was an open order, firstly for a year and then of indefinite duration. The family may be permitted to receive a permit to visit him once a month. It has been applied for but by the first week of August no permit had been received; his spectacles and medicine were still at home and permission had not been given for him to receive them. He was taken away and not allowed to take even the barest essentials with him. He is listed as a detainee, 4th class prisoner.

On August 10th it was learned that a permit for a monthly visit had been given to the family. Mrs. Kachidza made the long journey and found her husband in a corrugated iron hut with other prisoners. He has to sleep on a concrete floor with

no bedding provided. His wife was not allowed to leave the clothes and food she had taken. Henry looked tired and somewhat dejected, suffering considerably from a swollen elbow and generally from much discomfort. He was still without shoes or his medicine.

In prison he has now [September] been placed in a dormitory with 9 others. The dormitory is locked at 4.30 p.m.: they are let out each day at 6 a.m.

He has been allowed a number of visits from members of his family, who have to travel 200 miles each way by road. A pass has to be applied for, and it allows one visit of two hours duration. Petrol is rationed so visits are infrequent. He is in reasonably good spirits, but his health is far from good, and he is about 67. He describes the food as "boiled salt water to which mealie rice and tough bits of meat have been added".

THE MINISTER OF LAW AND ORDER

Questioned in Parliament, the Minister of Law and Order Mr Hilary Squires said it was not government policy to disclose the number of people in detention — "however, I can say that when compared with the number of persons detained in other parts of the world the figure is insignificant." It was naive, he added, to suggest that the detention policy should be relaxed now a settlement was being sought: the release of detainees was conditional on the cessation of their activities.

On the detention of two Africans recently acquitted in the High Court the Minister said "The fact that a person is found not guilty does not mean he has not done what he has been accused of." (RH 4.9.76) Of a man detained after completing his sentence, he replied: "This person will remain in detention as long as he is considered to be a menace to public order". (RH 2.9.76)

COMING SHORTLY — IAN SMITH'S HOSTAGES Political Prisoners in Rhodesia

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POLITICAL TRIALS

SPECIAL COURTS

In the first four months of their existence Rhodesia's Special Courts dealt with 89 cases, according to the Ministry of Justice. The latest cases to be reported are summarised here, bringing the total recorded in FOCUS to 146.

24 August : Chipinga

Jimmy MAPOSA (MKWAZA) was sentenced to 12 years imprisonment for failing to report the presence of guerrillas. He was alleged to have been invited to join a guerrilla group, which he did, serving as a porter. On reaching the Mozambique border he asked for payment and was told that guerrillas did not pay wages, whereupon he left them and returned home. (RH 28.8.76; BBC 1.9.76)

Ibid.

HASANI, a kraalhead, was sentenced to 10 years imprisonment for failing to report guerrillas. Between March and July guerrilla groups came three times to his kraal, and when questioned he twice denied having seen them. (RH 28.8.76)

Ibid.

John MUCHENJERA was goaled for 17 years for having undergone guerrilla training, having assisted and failing to report guerrillas. The court found that he joined a guerrilla group which came to his kraal, received rudimentary training with a machine gun and in turn gave similar training to two youths. (RH/RDM 28.8.76)

Ibid.

Lift PANGANAYI was sentenced to 12 years imprisonment for failing to report guerrillas. The court was told he had been in contact with various gangs and had received loot from a robbed store. (RH/RDM 28.8.76)

26 August : Chipinga

Nyamwata JANI was sentenced to death for recruiting three others for guerrilla training. (RH 28.8.76; BBC 1.9.76)

Before 2 September : Umtali

Daniel NEDANHE (19), Timothy NYANDUKAI (20) both from Chipinga; Gilbert FORAI (18) and Hartson VIYAY (18) of Melssetter were each sentenced to nine years' imprisonment for attempting to undergo military training. All four pleaded guilty but a plea of not guilty was entered by the court. (Salisbury radio 2.9.76—BBC 6.9.76; RH 3.9.76)

2 September : Bulawayo

Mary NGWENYA, of Mawabeni near Balla Balla, was jailed for eight years for giving food to three guerrillas, and failing to report their presence. Three years of the sentence were suspended.

At the in camera hearing, which lasted four days, it was alleged that the three guerrillas stayed at Ngwenya's kraal before attacking the Range Store at Balla Balla on July 7, when the storekeeper Leonard Ashby was killed and his wife wounded. Mrs. Ngwenya, mother of eight, pleaded not guilty.

Three others from the same area appeared on a similar charge, but the outcome was not reported in the press. They were Herbert NKALA, James NKOMO and Rex MPOFU. (RH 31.8.76, 1/3.9.76)

? 3 September : Umtali

Lucian DANGIRWA (28) was sentenced to 12 years imprisonment for failing to report guerrillas in June. His widowed mother Ethel DANGIRWA (45) was sentenced to nine years

(four suspended) and his cousin Mathew HAMADZIRIPI (23) to nine years with labour on the same charge.

The court was told that the three were members of a reasonably well-to-do family from the Mugambwi Stores in the Makoni Tribal Trust Land near Rusape. They had been asked by guerrillas at gunpoint to supply food and clothing and also to drive them to the TTL border to identify European farms. The three were found not guilty of assisting guerrillas, on the grounds that they had acted under duress. (RH 4.9.76)

3 September : Gwelo

Becki Back MPOFU was jailed for 25 years for having a hand grenade. He had acquired this from a guerrilla when he and other young men from his village were recruited in April. After a clash with security forces the group had scattered and Mpofo returned home, with the grenade. (RH 4.9.76)

7 September : Umtali

Clever MUREMEREDZO was sentenced to five years imprisonment (two suspended) for helping four men leave the country for military training. (RH 8.9.76)

7 September : Karoi

Four employees of the Tsetse Control Department in Urungwe Tribal Trust Land were convicted of feeding guerrillas or failing to report their presence. Peter GIBSON (22) Dickson SIAMBOBOLE (23) and Ephraim TAGWIREYI (19) were said to have sheltered guerrillas for ten days. Gibson and Siambobole were sentenced to ten years (three years suspended) and Tagwireyi to six years (two years suspended). A gate guard named SARIKOSI was sentenced to four years (two suspended) for failing to report the guerrillas' presence.

Two other Tsetse Control Dept. employees in Vuti African Purchase Area, whom Siambobole had told of the guerrillas, were convicted of failing to report their presence. Richard MUKWANZA (21) was sentenced to four years (two suspended) and Kingiron SIAMALAMBO (22) to three years (two suspended). (RH 8.9.76)

Ibid.

Sandi ZONDANI and Chikore TENDA were sentenced to eight years (four suspended) and four years (two suspended) respectively for failing to report guerrillas. Both men were employed at Ma's Luck Mine, Urungwe TTL, and helped to feed guerrillas both inside their compound and outside. (RH 8.9.76)

Ibid.

Chidyakurima SMITH (26) was sentenced to eight years (three years suspended) and Mutandwa DAMSON (55) to six years (three suspended) for failing to report guerrillas in Urungwe TTL. Two 18 year old boys were also convicted of the same offence, and each sentenced to eight cuts and a three year suspended jail sentence. (RH 8.9.76)

Ibid. (either Karoi or Sinoia)

Two other unidentified accused, whose case was held in camera, were sentenced to six years imprisonment (three years suspended) for failing to report guerrillas. (RH 8.9.76)

The above four cases, and the sitting of the Special Court which dealt with them, related to incidents that occurred from 23—27 August.

8 September : Bulawayo

Ben Mbeji DUBE was sent to prison for life for possessing 12 hand grenades and failing to report the presence of guerrillas. Chairman of the Wenlock District branch of the African

National Council, Dube had been told his family would be killed and his kraal destroyed if he reported the guerrillas. (RH 9.9.76)

17 September : Gwelo

Akonrene April HOVE and Jemile SHUMBA (names phonetic) from the Belingwe TTL were sentenced to death. Hove was convicted of encouraging looting and aiding the abduction of 14 people for guerrilla training, and Shumba of laying mines and acts of terrorism. (BBC 21.9.76)

20 September : Fort Victoria

Two farmers from Mshawasha African Purchase Area, named as SHADRECK and MATARIRANO were jailed for eight years and a third, named MHUTE, was jailed for six years for failing to report guerrillas. A statement of agreed facts said guerrillas had visited the area in July. Shadreck and Matarirano had seen them twice, Mhute only once. (RH 21.9.76)

Ibid.

Andreas TARISAYI was jailed for ten years for failing to report guerrillas, after pleading guilty. A taxi driver in Nyanja TTL, Tarisayi did not disclose an accidental meeting with guerrillas on 13 August. (RH 21.9.76)

NINE TO HANG

Nine men were sentenced to death in Salisbury on 30 August and 6 September after being convicted of planting bombs in and around Salisbury in June and July (See FOCUS 6, p. 14)

Eight of the men, charged together with acts culminating in grenade attacks on the Pink Panther restaurant and La Boheme night club, alleged that their statements had been given under intimidation and after assault. On 25 August the special court judge found their evidence untrue and ruled that the statements were admissible. The trial then proceeded.

One statement (name not reported) described the obtaining of explosives from Mtoko and the mining of a railway track. Others described how stick grenades were obtained from and explained by guerrillas in the Mtoko area. The grenades were used on 20 July: one group of four men, with two grenades, went to the Pink Panther restaurant and a similar group to the La Boheme. "Not wanting to kill... I reluctantly threw the grenade on the side-walk in front of La Boheme where it exploded... Then I left the scene", said one statement. "Our objectives were to frighten people and the government so the government could return to talks or just hand over the country to majority rule sooner."

Pleading guilty, the men were convicted of the capital crime of acts of terrorism and sabotage. They gave evidence in mitigation of sentence. Several of the accused said they had taken part in the actions because they had been threatened. All claimed they had intended to avoid causing injury.

The judge rejected the defence plea for clemency. Elias MADONI (30) George NYAGU (22) Hozeah GANDIWA (29) Crispin MUSHIPE (20) Moses TSANZI (21) Norman MUTOVONI (21) Frederick MUZIKENYEDZE (20) and Stone CHAKABVAPASI (19, formerly unnamed) were all sentenced to death. (RH 25—28/31.8.76)

In a separate trial Philip NJAGU (21) was accused of participating in the same acts (see FOCUS No. 6 p. 14) Njagu pleaded guilty to five charges including the railway track explosions and two at the Karanga beerhall. He

4

pleaded not guilty to the Pink Panther and La Boheme incidents. He too alleged that his statement had been given after he had been assaulted, with electric shocks, but the judge rejected this. And so on 6 September Njagu, like the others, was sentenced to die. (RH 1-4/7.9.76)

OTHER CONVICTIONS

1 October: Umtali Regional Court

The Roman Catholic Bishop of Umtali, the Rt. Rev. Donal LAMONT (65) was sentenced to 10 years imprisonment with hard labour. He had pleaded guilty to 2 counts of failing to report the presence of guerillas at the Avila Mission in the Inyanga district 20km from the Mozambique border, and 2 counts of inciting Sister Vianney a nun at the Mission to do the same. Bishop Lamont was released on bail on his own surety, and pending his appeal. He said he was pleased that he had not received a sentence less severe than an African might expect under similar circumstances. (T/RH 2.10.76)

5 October: Bulawayo Regional Court

CALVIN NKALA (23) was sentenced to 12 years imprisonment (4 years suspended), for failing to report the presence of a guerilla in New Luvue, an African township in Bulawayo. The guerilla, Calvin's brother Rogers Nkala, was killed in a battle in the township in which a white policeman, John Jeffrey, also died, on 2 September 1976. The court was told that Rogers Nkala, alias Solomon Maphosa, left Rhodesia in November 1975 and went to the Soviet Union for guerilla training, under the auspices of a banned political organisation. On his return he had gone to Salisbury, Bulawayo and the Gwanda-Kezi area where he had killed a white farmer, Mr. Jacob van Vuuren, and his son Mark. (RH 6.10.76; RDM 7.10.76)

13 October: Bulawayo Regional Court

Five residents of New Luvue, an African township in Bulawayo, received prison sentences ranging from 5 to 13 years for harbouring or assisting, and failing to report the presence of guerillas. BERTHA KHUMALO, a school-teacher in Mpopoma, was sentenced to 5 years with 2½ conditionally suspended, for failing to report the presence of her younger brother whom she had not seen since 1968. PATRICIA MASINA, at whose house a guerilla and a white policeman had been killed in a gun battle, also received 5 years, with 2½ suspended.

NDODANA KEFAS NCUBE and TOMMY SABELO MOYO were sentenced to 13 and 11 years respectively for harbouring and assisting five guerillas. One of these was the guerilla subsequently killed in the 2 September gun battle (see above).

TRADEMAN TAFFI MOYO, a school teacher, was sentenced to 8 years for failing to report the presence of Stephen Moyo, a guerilla whom he met in Bulawayo in August. The trials were held in camera. (RH 13/14.10.76)

OTHER CASES

24 August: Harari Magistrate's Court

SILAS MAKONI (23), MAXWELL MUSIRA (25) and PAUL MDALA (25), all of Rugare Township, Salisbury, facing an allegation of recruiting guerillas, were remanded in custody until 7 September. (RH 25.8.76)

On 27 August, it was reported that an allegation against TITUS MUKARATI (40), the Mashonaland provincial organising secretary of the Muzorewa wing of the ANC, of assisting guerillas, had been withdrawn. Mr. Mukarati, who first appeared in Harari Magistrates Court

on 15 July, had not been asked to plead and no charge had been laid against him. (See FOCUS 6, p. 15; RH 27.8.76)

9 September: Bulawayo Regional Court

2 unnamed African youths were acquitted of a charge of attempting to leave Rhodesia for guerilla training. The youths, who had been arrested at Figtree in February 1976, successfully challenged the admissibility of statements alleged to have been made voluntarily. The charge was withdrawn by the prosecution after a "trial-within-a-trial". (RH 10.9.76)

7 October: Bulawayo Regional Court

JAMES NKOMO and an unnamed 18-year-old youth pleaded not guilty to a charge of failing to report the presence of guerillas at their kraal near Balla Balla. The trial was held in camera and the outcome was not reported. (RH 8.10.76; see also above under SPECIAL COURTS 2 September)

6, 7, 8, 12 October: Salisbury High Court

MATHIAS MUSWERA, JOSEPH MANDOMBO and NDUNA ESNATI, of the Kafura Collective Village in the Pfungwe TTL, Mrewa district, pleaded not guilty to laying a landmine and to an alternative charge of failing to report the presence of guerillas. The defence counsel, Mr. G.G. Chidyausika, challenged the statements the accused had made to the police on the grounds that the accused had been assaulted by district assistants. It was believed that at least 3 people had died in the course of these interrogations, he said. After a "trial-within-a-trial" the statements were admitted. The court was then adjourned to enable the accused to call evidence of alibis covering the time the alleged offences occurred. (RH 7/8/9/13.10.76)

APPEALS

CUTHBERT MAVUNGA, sentenced to death by a Special Court, had his appeal dismissed on 31 August. He was described as a member of a guerilla group and had been captured after an engagement with Rhodesian security forces in which he was shot in the leg. Chief Justice Sir Hugh Beadle said that the Special Court had taken full account of the facts that Mavunga had shown contrition and had cooperated after capture. However, the sentence conformed with others passed down in similar cases and he saw no reason to interfere with it. (RH 1.9.76; BBC 2.9.76)

ISAKI GWAZE (17), a guerilla who lost a leg after being wounded in a battle with Rhodesian security forces, had his appeal against a death sentence imposed on 16 June dismissed on 31 August. (See FOCUS 5 p. 4; RH 1.9.76)

BLESSING CHIEZA, from Mutambara TTL, Cashel, who was sentenced to death on 23 (?) June by a Special Court at Umtali for assisting or harbouring guerillas, had his sentence commuted to life imprisonment on 1 September. (See FOCUS 6, p. 15; RH 2.9.76)

GODFREY BEZVERO (19) and NICHOLAS BALUTU (19), each had 3 years of a 5 year sentence suspended by the Appeal Court on 2 September. They had been convicted of conspiring together to undergo guerilla training, but according to the Chief Justice had not finally made up their minds whether to go through with the venture. (RH 3.9.76)

ROBERT MARUNGISA (33), found guilty in February 1976 of murder as an accomplice to a guerilla group, had his sentence reduced from 18 to 3 years imprisonment at the beginning of September. His conviction was altered to the lesser crime of culpable homicide. At Marungisa's trial in February the judge had

described the case as a borderline one between prison and the death penalty. (See FOCUS 4, p. 5; RH 3.9.76)

A 4-year sentence was described as "manifestly excessive" by the Appeal Court on 3 (?) September. TOZOWAWEPI ZVAREVAMAMBO, convicted by a Special Court at Umtali for failing to report the presence of guerillas, had his sentence reduced from 4 years to 4 years with 2½ years conditionally suspended. (See FOCUS 6, p. 15; RH 4.9.76)

DARLINGTON PHILLIMON KANYASA (23), who had pleaded that his was a case of mistaken identity at a trial on 18 June in Salisbury, had his appeal against the death sentence dismissed on (probably) 7 September. As in the trial itself, the court directed that no information be published disclosing or likely to disclose the place or the nature of the place where Mr. Kanyasa was arrested. (See FOCUS 6, p. 15; RH 8.9.76)

NTISI ANTHONY MAGAGULA had his appeal against a 4 year prison sentence (18 months suspended) dismissed on 15 September. He had been convicted of failing to report the presence of guerillas. At his trial, Magagula had said that 3 men, whom he knew to be "fighting for us and for the country" had visited his area with the aim of forming a branch of the ANC. He had not realised at the time that the men were "strangers" who should have been reported. (RH 16.9.76)

RAMECK MUKWEKWE, sentenced to death by a Special Court at Inyanga at the end of July, had his appeal dismissed on 24 (?) September. Mr. Mukwekwe had been convicted of committing an "act of terrorism or sabotage" by warning 8 guerillas camped near his kraal, of the presence of two district assistants. The two had subsequently been executed by the guerillas. (See FOCUS 6, p. 15; RH 25.9.76)

A headman, MANDIDE MAKABVEPI, and seven unnamed men had their sentences reduced by the Appeal Court of 30 September. The eight men had each been sentenced to 4 years imprisonment by a Special Court in Umtali in June for failing to report the presence of guerillas. The Appeal Court, in reducing Mr. Makabvepi's sentence to 4 years with 2 suspended, and the other seven sentences to 18 months, with one year suspended, found that the Special Court had not been in possession of "further facts". Makabvepi had advised the other appellants that he would report the guerillas, but in the event had been unable to notify the authorities until after the statutory time had elapsed. (See FOCUS 6, p. 15; RH 1.10.76)

contd. from p.1

been burnt down at Jessevale, Carolina, Rooihoogete, Amsterdam, Tweefontein and Middelburg. Several Africans have been arrested in connection with the fires. (RDM 7/13.9.76)

A grass fire at Modderfontein spread and set fire to a dynamite plant on 19 September causing an enormous explosion which some white residents thought was sabotage. Arson was not suspected but the police chief in charge of riot control later confirmed that police had shot five Africans after Blacks tried to hinder firemen fighting the blaze. A chemicals factory at Kew, Johannesburg, not far from Alexandra township, had been gutted by fire a few nights earlier. (RDM 15/20/21.9.76)

WAR LEGISLATION

HARSHER PENALTIES

Draft legislation introduced at the close of the most recent parliamentary session in Rhodesia will, if it is ever implemented, drastically extend the terms of the "hanging clauses" of the Law and Order (Maintenance) Act. The **Law and Order (Maintenance) Amendment Bill**, which received its first reading in the House of Assembly on 8 September 1976, would introduce a mandatory death penalty for the following offences:

- "recruiting or encouraging" others to undergo guerilla training
- possessing arms of war
- committing any "act of terrorism" or "any act which is intended or is likely to further the aims of terrorism"
- "harbouring, concealing or assisting" guerillas, where no compulsion is involved
- failing to report the presence of a guerilla who subsequently "causes or attempts to cause death or injury to anyone or to damage property in the area", where the accused is a chief, headman, kraalhead, manager or foreman, or "in any other position of authority" or "special trust"
- misleading an official by withholding or giving false information about guerillas, or the whereabouts of landmines or arms caches.

In the past, with the exception of recruiting, for which a mandatory death penalty was introduced in November 1974, all these offences have carried an option for the courts of imposing death or life imprisonment. The alternative of death or life (or shorter prison terms if the court is satisfied that "special circumstances" exist), is being retained for the offences of undergoing or preparing to attend a guerilla training course, and failing to report the presence of guerillas, landmines or arms caches within a specified time. A minimum sentence of 12 years imprisonment is to be introduced for harbouring or assisting guerillas. (*RH 9.9.76*)

Since the onset of the current guerilla offensive in January 1976, many Rhodesian Front MPs and other spokesmen for the regime have appealed for harsher penalties for supporters and sympathisers of the armed struggle, and in particular for wider use of the death penalty. Announcing at the end of July that the new draft legislation along these lines was imminent Mr. P. Claypole, Secretary for Law and Order, said that there was a strong case for treating supporters of the liberation forces "no less severely than the terrorist himself... The law has to be changed to give additional powers so that these tough

measures can be lawfully taken." (*RH 30.7.76*)

Whether "tough measures" have been taken unofficially to compensate for what are felt to be "soft" decisions by the courts is open to question. On 10 August 1976, for example, Elias Moyo, an ANC branch treasurer in the Butawayo area, was sentenced to life imprisonment on conviction of harbouring and feeding 3 guerillas (*see FOCUS No. 6 p. 15*). On 17 August, Mr. L.J. Mahlangu, MP for Mpopoma, told the House of Assembly that Mr. Moyo's store, which had been closed by the authorities after his arrest, had been gutted by a fire. Mr. Mahlangu's challenge to the regime to refute strong rumours of officially-inspired arson was ignored. (*Debates 17.8.76*)

In the event, any debate on the Law and Order (Maintenance) Amendment Bill was adjourned until parliament reassembles on 15 February 1977, to allow further consideration of certain "representations" that had been received on the draft proposals. The character and content of these representations was not revealed. (*RH 10.9.76*)

The **Criminal Procedure and Evidence Amendment Bill**, which passed its third reading on 18 August 1976 is also of relevance to the conduct of political trials. It provides for preparatory examinations to be held in camera except where the accused applies for a public hearing and, among other measures, abolishes the accused's normal rights of silence, both in relation to the giving of evidence in court and in making statements to the police before trial. In future, if an accused person fails to answer any question put to him by the prosecutor or the court, an adverse inference may be drawn and taken into account in passing judgement. Similarly, if it can be shown that an accused has failed to mention any fact relevant to his defence when he is charged or interrogated by the police, adverse inference can be drawn. (This is in line with the regulations governing the workings of the regime's Special Courts, set up in May 1976 to try offences under the Law and Order (Maintenance) Act.) (*Debates 13.8.76*)

CALL-UP TIGHTENED

Press reports suggest that the Rhodesian armed forces may be facing a considerable crisis of morale in the wake of the regime's acceptance of the principle of majority rule, despite official assurances that "seek and destroy" missions to eradicate guerillas will continue regardless of developments on the constitutional front. The **National Services Act 1976**, which came into effect on 10 September 1976, is likely to sharpen resentment of the burden of military call-up, while making it even more difficult for would-

be draft-dodgers to avoid it. Some of the more important provisions of the new legislation are:

- The age of registration for national service has been reduced from 17 to 16 to enable boys to be registered before leaving school. All male Europeans, Coloureds and Asians are required to register within 30 days of their sixteenth birthday.
- No male between the ages of 16 and 25 may leave Rhodesia until he has completed phase one of his national service, i.e. 18 months continuous service, except under such terms and conditions as may be prescribed. (Previously, permission to leave was only required by those whose call-up papers had been issued).
- It is now an offence to suggest to anyone that for religious reasons or otherwise, they should not undertake national service. It is also an offence for any employer to discourage or penalise any employee for volunteering for or routinely undergoing national service.
- A Directorate of Security Manpower has been set up to which employers are required to make routine returns of all their male employees between the ages of 17 and 38.
- Any Ministry, Department of State or "any body or organization" whatsoever can be declared a "designated service" and its members made liable to national service. (In the past, certain categories of person, for example certain civil servants, MPs, judges, priests and nurses, were exempt from compulsory military training).
- The Minister of Co-ordination, with the approval of the Ministers of Defence and Law and Order, is empowered to issue a general authorization for the call-up of all residents between the ages of 18 and 50 to render emergency national service as required.
- Africans have been made potentially liable to national service by widening the definition of "resident". At the present time, no decision has officially been taken on which categories should be involved or the nature and length of their period of national service. Introducing the second reading of the Bill on 27 July 1976, Mr. Reg Cowper, Minister of Co-ordination, said that while "it would be impracticable to require all Africans to render National Service", those in "certain fields of employment" should be drafted. Later on, he said that African secondary school leavers, those entering an apprenticeship or going to university, were all possibilities for a selective conscription scheme. Responsibility for considering the issue has been delegated to the regime's newly-formed "Cabinet Councils" of Mashonaland and Matabeleland. (*See FOCUS No. 7 p. 13 for African reaction to the scheme*)

On top of these new requirements, provision has been made under the **National Registration Bill**, which passed its third reading on 16 July 1976, to introduce identity cards for everyone — White, Asian, Coloured and African — over the age of 16. Information about the entire adult population, male and female, will ultimately be stored under top security in a centralised computer system. (*RH 22/24.7.76; SM 11.7.76; BBC 13.9.76; Debates 27.7.76*)

6

south africa

HUNDREDS NOW HELD

By mid October the number of South Africans held under security legislation (as opposed to arrest following demonstrations etc) was believed to be approaching 400. On 11 October the *Rand Daily Mail* claimed to have the names of 393 detainees. The Minister of Justice was quoted as saying on 20 October that 374 people were in detention — 217 under the Terrorism Act, 123 under the Internal Security Act and 34 as 'protected witnesses'. In addition over 300 are held as a result of demonstrations and disturbances. (BBC 21.10.76)

Among these are a large number of students from the University of Zululand at Ngoye and some staff and students from the University of the North at Turfloop. Virtually every prominent and active member of the BPC and SASO is in detention, together with a number of black ministers and priests.

During August and September a large number of detentions took place in the Eastern Cape. Many were health and community workers connected with BPC projects. On 13 August Dr. Mamphela Ramphele was arrested at Zanempilo health clinic near Kingwilliamstown. Her two successors, Dr. S. Solombela and Dr. L. Msauli, were arrested on 27 and 29 August respectively. Several social workers from the same area are also being held.

Another group of Eastern Cape people to be detained are those connected with the Zimele Trust Fund, which exists to initiate projects aimed at rehabilitating ex-political prisoners, in the resettlement areas to which prisoners and their families are confined. Mapetla Mohapi, who died in police custody on 5 August (see *Focus* 6, p. 7) was the Zimele Trust Fund administrator. Mr. M. Tembeni, the Grahamstown attorney detained on 13 August, is the chairman of Zimele Trust, and Dr. L. Msauli is on the board of trustees. (CT 14.8.76; RDM 30.8.76)

At the beginning of September five staff members of the Western Province Workers Advice Bureau in Cape Town were arrested by the Security Police under the General Laws Amendment Act (which allows for 14 days detention). One of these, Luke Mazwembe, died shortly after being detained (see box).

Several newspaper reporters and photographers have also been held. *Rand*

Daily Mail staff who covered the late August Soweto stay-at-home and the apparently police-inspired 'Zulu rampage' included Peter Magubane, photographer, who was immediately detained (and beaten up) under the Internal Security Act. He was followed by Willie Nkosi, another photographer and Jan Tugwana, a reporter. Joe Thlolo, of Drum and president of the Union of Black Journalists was detained on 1 September, followed by five reporters from the African paper *The World* and Don Mattera, banned person and sub-editor on the *Star*. The detention of journalists was widely seen as an official attempt to prevent accurate information on events in the townships reaching the public. (In contrast, the Afrikaans press, at least in the Transvaal, has frequently carried 'scare stories' and rumours of Black plans to kill all whites, apparently with the intention of inflaming white feeling against Africans (RDM 9.10.76).

In addition several Black Theatre people have been detained, including three playwrights (Gibson Kente of Soweto, arrested while filming his play *How Long* in Kingwilliamstown, Kyaletu Mqayisa, author of *Confused Mhlaba* whose central character is the son of a political prisoner, and Rev. Mzwandile Maqina, author of a play based on the assassination of student leader O. A. Tiro). Performances of *Sizwe Bansi is Dead* by John Kani and Winston Ntshona were banned in East London; early in October the two actors

were detained after a performance at Butterworth in the Transkei, during which the forthcoming 'independence' of the Transkei was apparently criticised (RDM 23/25.8.76; GN 15.10.76).

As 'independence' approached, there were further arrests in the Transkei.

FOUR MORE DEATHS

Since the death in August of Mapetla Mohapi (see *FOCUS* 6 p.7) four more political detainees have died in police custody. These were:

Luke MAZWEMBE, aged 32, a staff member of the Western Province Workers Advice Bureau in Cape Town. He was arrested at home at 6 a.m. on 2 September, as were several other workers at the Bureau. By 7.40 a.m. he was dead in his cell — having hanged himself with blanket strips, according to the police. A statement from the multi-racial board of the Workers Bureau said at the time of his arrest he was "in good health and good spirits", and called for a post-mortem, inquest and full inquiry into the circumstances of the death.

Mazwembe was the 25th person to die in detention. (RDM 3/6.9.76; CT 4.9.76)

Fenuel MOGATUSI, a Soweto schoolboy arrested in July and held in Johannesburg Fort on charges of theft following the unrest. He was offered bail of R500, but his family could not raise the money. He died on 28 September 'from an epileptic fit' according to police — but his sister, who visited him the day before, denied that he was epileptic. (Star 9.10.76)

Dumisani Isaac MBATHA, aged 16, a Soweto schoolboy arrested in the centre of Johannesburg on 23 September during the African demonstration there. According to police, he "became ill" in prison, was moved to hospital and died on 25th September. His family had no news of him until the Prisons Department released the body for burial, giving their account of his death. The funeral was held in Soweto on 17 October, attended by 15,000 mourners. (GN 19.10.76; Times 19.10.76)

Zungwane Jacob MASHABANE, aged 22, a student at the University of Zululand at Ngoye, who died on 5 October while in detention at Johannesburg Fort. Police alleged suicide, but Mashabane's family were not satisfied with this explanation. (RDM 18.10.76)

STOP PRESS: Two more prisoners may have died in Modder B prison, where male detainees under the Internal Security Act are held. It is alleged that Edward MZOLO, aged 40, and William TSHWANE have also died in detention (GN 22.10.76)



Dr Mamphela Ramphele

KNOWN DETAINEES mid October 1976 (additional to previous FOCUS lists)

Date	Place	Name (age)	Law under which held and other details if known	
3.6.76	Transvaal	HLATSHWAYO Faith	Terrorism Act (T.A.)	Student at Turfloop
16.6.76	Johannesburg	NGUTSHA Enos	—	Student
17.6.76	Johannesburg	WAUCHOPE George	—	Admin. asst. Univ. Witwatersrand.
June 76	Pietermaritzburg	NYEMBEZI ?	—	Student at Ngoye
1.7.76	Natal	MHLONGO Victor	—	Ngoye student
1.7.76	Natal	DAMANI Reuben	—	Ngoye student
1.7.76	Natal	DUMISA Victor	—	Ngoye student
1.7.76	Natal	MADUNA Penwell	—	Ngoye student
1.7.76	Natal	KHUMALO David	—	Ngoye student
1.7.76	Natal	NKABINDE ?	—	Ngoye student
2.7.76	Johannesburg	MAZIBUKO Seth	? T.A.	Regional vice-president of SASM.
3.7.76	Natal	MANGALA J.	T.A.	Ngoye student
9.7.76	Natal	MOLOTO Marute P.	—	—
14.7.76	Johannesburg	SIZANE Gerald	—	Soweto school student
14.7.76	Johannesburg	MAPHUPHA Zolani	—	—
14.7.76	Pietermaritzburg	NDUNGE Thabane	T.A.	Student at Univ. of Botswana
20.7.76	Johannesburg	MKHABELA Ismael	—	Turfloop student
22.7.76	Durban	KHUMALO Bongani	—	—
23.7.76	Natal	KHUBUZA Victor	—	Ngoye student
23.7.76	Natal	NKOSI Lucky	—	Ngoye student
23.7.76	Natal	RADEBE Siphos	—	Ngoye student
23.7.76	Natal	RADEBE Vusi	—	Ngoye student
23.7.76	Natal	MAVUMENGWANA Thami	—	Ngoye student
23.7.76	Witbank	MPILA Joseph	—	Ngoye student
27.7.76	Transkei	NOGCANTSI N.	Pro.R400	Member of Democratic Party
27.7.76	Transkei	NOMKRUGA I.	Pro.R400	Member of Democratic Party
July 76	Natal	MGCOCO Bongani	—	Ngoye student
July 76	Natal	TEMBU Ben	T.A.	Ngoye student
July 76	Johannesburg	MABASA Lydon	T.A.	Soweto teacher
July 76	Durban	NYEMBEZI Manqoba	T.A.	Ngoye student
2.8.76	—	MSIMANG Laura	—	—
8.8.76	Natal	NXUMALO Naphtali	—	SRC Chairman, Ngoye
11.8.76	E. Cape	QAMBATA Tamsanqa (25)	Internal Security Act	BPC vice-chairman
13.8.76	Cape Town	LANDINGWE Daniel	—	SASO Member
13.8.76	Port Elizabeth	MACKAY Ilva (24)	General Law Amendment Act (G.L.A.)	Library Asst. Eastern Province newspapers Poet & UWC ex-student
13.8.76	Port Elizabeth	MOHAYISA Khayaletu	—	Playwright
13.8.76	Port Elizabeth	TITUS Nikki	I.S.A.	Member of SASO Natl. Exec.
13.8.76	Port Elizabeth	CEKISANE Gladman	—	—
13.8.76	Johannesburg	MOKODITOA Chris	I.S.A.	ex-secretary UCM
13.8.76	Pretoria	MOTAU James	—	—
13.8.76	Grahamstown	TEMBENI Master (36)	—	Attorney
13.8.76	Cape Town	JONES Peter	—	BPC Member
15.8.76	Cape Town	SELEKA Lesley	—	UWC student
15.8.76	Cape Town	CORTENIERS Leon	—	UWC student
16.8.76	Cape Town	FERREIRA Henry	—	UWC student
16.8.76	Pretoria	MASHIGO Philip	—	School student
16.8.76	Pretoria	MOLEFE Ronald	—	School student
16.8.76	Natal	KHUZWAYO Juliet	—	Univ. Lecturer
18.8.76	Johannesburg	MOLOFE Simon	—	Soweto school student
18.8.76	Johannesburg	RAMEKOA Paul	—	Soweto school student
18.8.76	Natal	KHUZWAYO Derek Wiseman	—	Ngoye student
18.8.76	Pretoria	LEBALLO Abraham	—	School student
18.8.76	Pretoria	SHIKIRA Jonas	—	School student
19.8.76	Port Elizabeth	PITYANA Dimza	I.S.A.	Youth organiser, Inst. of Race Relations Wife of Barney. Prev. detained 6 June—13 Aug under T.A.
19.8.76	Durban	MGYIME Ralph	—	—
19.8.76	Durban	KHUBEKA Sibongile	I.S.A.	SASO secretary
20.8.76	Port Elizabeth	SIWISA Dennis	I.S.A.	Teacher
20.8.76	Port Elizabeth	MADAKA Mbuyisela	I.S.A.	—
20.8.76	Durban	MEER Fatima	I.S.A.	Sociologist, pres. Black Women's Federation. Banned in July.
20.8.76	Johannesburg	MAVANA Mlungisi	—	BPC local secretary.
20.8.76	E. Cape	MOQETUKA Jeff	—	Natl. pres. SASM
22.8.76	Port Elizabeth	WESSELS Rev Chris	I.S.A.	Moravian Mission Church
22.8.76	Pretoria	MOETAPELE Fr.	—	—
23.8.76	Pretoria	KEKANA Simon	—	Teacher
23.8.76	Pretoria	MOKOKA Fr. Clement	—	Catholic Priest
23.8.76	Pretoria	PADI Miss L.	—	Working for agency under Catholic Bishops Conference
23.8.76	Johannesburg	MTHEMBU Susan (19)	—	School student & member Soweto Students Representative Council
23.8.76	Transvaal	LEPUTU Rev. E.M.K.	—	Dutch Reformed Church Minister
23.8.76	Pretoria	PHAKATHI Oshadi Jane	I.S.A.	Reg. director Christian Institute.
24.8.76	Pretoria	PHAKATHI Dimakatso (18)	I.S.A.	Son of above
24.8.76	Transvaal	THLOALE Solomon	—	Parents' assocn. member in Mabopane
24.8.76	Cape Town	HARE Rubin	I.S.A.	Ex vice-pres. SASO
24.8.76	Kingwilliamstown	MAHLAKATA Pumzile	G.L.A.	Community worker

African National Council, appeared briefly in Noone was injured in the attack and damage to and "four others", had their sentences reduced

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KNOWN DETAINEES - (continued)

Date	Place	Name (age)	Law under which held and other details if known
24.8.76	Johannesburg	PHILLIPS Percival (24)	— Soweto teacher
25.8.76	—	SEDUMEDI Johomeo	—
26.8.76	Uitenhage	HENDRICKSE Rev. Alan	I.S.A. Natl. chairman Coloured Labour Party
26.8.76	Johannesburg	MOTOPENG Zeth	Director, Urban Resources Centre Soweto
26.8.76	Johannesburg	MAGUBANE Peter	I.S.A. <i>Rand Daily Mail</i> photographer
27.8.76	Johannesburg	SMITH Vesta	— Chairman of CORD ('Charge or Release Detainees' Cttee.)
27.8.76	Kingwilliamstown	MAGIDA Ray James	I.S.A. Social worker with Border Council of Churches
27.8.76	Kingwilliamstown	SOLOMBELA Dr. S.	— succeeded Dr. M. Ramphele at Zanempilo Health Clinic (see <i>FOCUS</i> No. 6, p. 7)
27.8.76	Kingwilliamstown	MVOVO Nobandile	I.S.A. Social worker with Border C.C.
27.8.76	Kingwilliamstown	MBANJWA Thoko	I.S.A. Editor <i>Black Review</i> ; with Black Community Project (BCP)
28.8.76	Kingwilliamstown	SANGOTSHA Phumla	I.S.A. Social worker with BCP
19.8.76	Kingwilliamstown	MSAULI Dr. L.	I.S.A. Successor to Dr. Solombela. Third doctor at Zanempilo Health Clinic to be detained. Member of Board of Zimele Fund.
30.8.76	Johannesburg	TIMOL Mohamed	— Chairman Human Rights Committee. Brother of Ahmed Timol who died in detention in 1971.
30.8.76	Johannesburg	KOLA Ismail	— Univ. student, arrested at BPC offices
30.8.76	Cape Town	MULLIGAN Mike	—
31.8.76	Johannesburg	MATSHOBA Debs	I.S.A. SASO literary director
31.8.76	Johannesburg	MOKGATLE Lentse	I.S.A. Publicity secretary BPC
31.8.76	Kimberley	MTI Stephen (18)	I.S.A. School student
31.8.76	Transkei	SIBI Nco S.	— Sotho chief
31.8.76	Cape Town	MATTHEWS James (47)	— Poet & editor
31.8.76	Cape Town	ISSEL John	— Banned person, former SASO reg. sec. Director Development Project.
Aug 76	Durban	TAOLE R.	— Student
1.9.76	Johannesburg	THOLOE Joe	I.S.A. Reporter <i>Drum</i> , pres. Union Black Journalists.
1.9.76	East Rand	MAROLEN Roli	I.S.A. Sales supervisor at Gillette factory, former SASO student & poet.
1.9.76	Transkei	MASELA Rev. S.K.	Pro.R400. Warden, Clarkebury Educational Institute.
1.9.76	Grahamstown	SPECKMAN M.	I.S.A. Democratic Party prospective candidate Umtata.
2.9.76	Johannesburg	MOLOKENG M. Joseph	— Student
2.9.76	Johannesburg	NGOMA Ntshup	— Acquitted under T.A. in May. Employee of Chamber of Mines (see <i>FOCUS</i> No. 5, p. 13)
2.9.76	Johannesburg	TIKANE Violet	— Soweto school student
2.9.76	Cape Town	MDUDE Elphias	G.L.A. Soweto school student
2.9.76	Cape Town	MDZOTYANA Halford	G.L.A. }
2.9.76	Cape Town	SIKOBI David	G.L.A. }
2.9.76	Cape Town	NGDULA Zora	G.L.A. }
2.9.76	Cape Town	MAHLOMAKULU Zora	G.L.A. }
2.9.76	Cape Town	MAZWEMBE Luke (32)	G.L.A. }
2.9.76	Cape Town	GODDEN Garnett	— Western Province Workers Advice Bureau Staff.
early Sept.	—	LETSHOLO A.	— Died in police custody.
3.9.76	Johannesburg	STOFIE Mongeze	— UWC Student
3.9.76	Johannesburg	SELIBI Jacob	T.A. Secretary Maluti-Herschel South Sotho Central Committee.
3.9.76	Kingwilliamstown	KENTE Gibson	— SASO Member
5.9.76	Johannesburg	THELEJANE Rev.	— Reg. Sec. BPC
5.9.76	Johannesburg	THOKOANE Edwad S.	— Playright, director. Arrested while filming play containing school students
5.9.76	Johannesburg	NDELA Thomas S.	— Reg. Chairman BPC
5.9.76	Johannesburg	MOKHETI Esau T.	— Turfloop Student.
7.9.76	Uitenhage	PITYANA Sippo	— Turfloop Student.
7.9.76	Uitenhage	MULLER Rev. Cyril	G.L.A. Turfloop Student.
8.9.76	Port Elizabeth	PRINSLOO Gwyneth	G.L.A. Nephew of Barney & Dimza.
8.9.76	Port Elizabeth	ABDULLAH Ismail	— Asst. Priest
8.9.76	Port Elizabeth	GRADWELL Mildred	— Student at Dower Training College
8.9.76	Port Elizabeth	DIERGAARD Raymond	— Student at Dower Training College
9.9.76	Johannesburg	NDLOVU Duma	— Student at Dower Training College
9.9.76	Johannesburg	TUGWANA Jan (22)	— Reporter <i>World</i>
9.9.76	Johannesburg	NKOSI Willie (28)	I.S.A. Reporter <i>Rand Daily Mail</i>
9.9.76	Johannesburg	MAYET Jubie	I.S.A. Photographer <i>R and Daily Mail</i> .
9.9.76	Cape Town	BOKAS Katina	— Union of Black Journalists member
9.9.76	Springs, Tvl.	—	— UWC Student
11.9.76	Pretoria	TITUS Joseph	— Chief of CID Kwa Thema
11.9.76	Cape Town	VAN DER POEL Dr. L.T.	— High school principal
12.9.76	Cape Town	MOHAMED Ismael (46)	I.S.A. Hospital registrar. Detained after expressing sympathy for riot victims.
12.9.76	Pietermaritzburg	NDELA Ernest (21)	— Maths. dept. head UWC.
?	Pietermaritzburg	MAGUBANE Mrs Truman	— Factory worker.
16.9.76	Johannesburg	KUBEKA Thabile (27)	T.A. Wife of accused in ANC Trial.
16.9.76	Johannesburg	MAKHALEMBELE Khotso	— Teacher, working for SA Cttee for Higher Education (SACHED).
16.9.76	Johannesburg	MAYATULA Rev. M.	— Soweto school student
16.9.76	Johannesburg	MAYATULA Victoria (17)	— Christian Inst. staff member, ex-chairman BPC. daughter of above.

KNOWN DETAINEES — (continued)

Date	Place	Name (age)	Law under which held and other details if known	
20.9.76	Port Elizabeth	DIETRICH William	G.L.A.	Reg. Organiser Coloured Labour Party.
20.9.76	Uitenhage	REDCLIFFE Charles	G.L.A.	Reg. secretary Coloured Labour Party.
20.9.76	Graff Reinet	HUFKIE F.E.	Riotous Assem. Act	Headmaster
?	Port Elizabeth	HOAPA Rev.	—	—
23.9.76	Johannesburg	BOKALA Willie	I.S.A.	Reporter <i>World</i>
23.9.76	Johannesburg	MOHLOMI Godwin	I.S.A.	News ed. <i>World</i>
23.9.76	Johannesburg	MOLEFE Zulu Boy	I.S.A.	Labour correspondent <i>World</i>
23.9.76	Johannesburg	ZUNGU Moffat	I.S.A.	Photographer <i>World</i>
23.9.76	Johannesburg	MATTERA Don	—	Banned person, sub-editor <i>Star</i>
23.9.76	Johannesburg	FINE Alan	G.L.A.	Student Wits. Univ. NUSAS officer.
23.9.76	Johannesburg	ROBERTSON Ian	G.L.A.	Student Wits. Univ.
23.9.76	Johannesburg	MBATHA Dumisane Isaac	—	Soweto schoolboy. Died on 25.9.76.
23.9.76	Johannesburg	MALINGA Cyril (19)	—	Soweto schoolboy.
27.9.76	Durban	TRYON Terence	G.L.A.	SASO secretary. Natal Univ. student.
29.9.76	Johannesburg	PALMER Cecile (30)	I.S.A.	Secy. Inst. Black Studies, daughter of Vesta Smith (see above)
?	Transkei	JOYI Anderson	Pro.R400.	Democratic Party member, representative for Chief Dalindyebo.
?	Transkei	JOYI Chief Bangilizwe	Pro.R400.	Brother of above.
?	Transkei	MGUDLWA L.L.	Pro.R400.	Legislative Assembly member.
early Oct.	Johannesburg	MOTLANA Sally	—	Vice-pres. SA Council of Churches & All Africa Council of Churches.
early Oct.	—	SEROKE Joyce	—	Nat. secy. YWCA.

ABBREVIATIONS

BCP	Black Community Programme	SASM	South African (School) Students	UCM	University Christian Movement
BPC	Black Peoples Convention		Movement	UWC	University of Western Cape
SASO	South African Students Organisation	SRC	Students Representative Council	Wits.	Witwatersrand (University of)

STOP PRESS: new detainees reported in *RDM* 26.10.76

18.10.76	Grahamstown	THOMPSON Gilbert (16)	student
?18.10.76	Grahamstown	UNYANI Christopher N. (20)	school student
?18.10.76	Grahamstown	MEINTJIES Jimmie (20)	school student
18.10.76	Grahamstown	LEWIS Jack	Rhodes Univ. student
18.10.76	Grahamstown	MAXEGWANA Alistair	chairman, Rhodes Univ. Black Workers Union; editor, <i>Abasebenzi</i>
18.10.76	Grahamstown	ZOTWANA Sydney	assistant, Rhodes Univ. Dept. African Studies; executive, Black Workers Union
22.10.76	Grahamstown	VLOTMAN Lauren	student Rhodes Univ.
22.10.76	Johannesburg	NKOANE Dusty	furniture salesman, Soweto
23.10.76	Johannesburg	MAZIBUKO Dr Sizwe	doctor, Soweto
23.10.76	Johannesburg	MAZIBUKO Nhanala	brother of above
24.10.76	Johannesburg	PAMBO Aubrey (26)	Soweto resident
?	Johannesburg	MCGOSH Samuel	of Noordegesig, previously detained under Terrorism Act.

2500 IN COURT

At least 2,500 people have appeared in court on charges arising out of demonstrations and disturbances since June. Nearly 1,000 of these were accused of public violence, stoning, theft, arson and similar charges of varying gravity; the rest were charged with 'illegal gathering' under the Riotous Assemblies Act and typically sentenced to fines or flogging depending on their age. Selected cases were as follows:

* Rooi Ngwenya, given an indeterminate sentence of 9–15 years when convicted of inciting violence in Alexandra in June on the grounds that he was a 'habitual criminal', was said to have given the 'Black Power' salute and shouted to the police to come and shoot him. Ngwenya denied both allegations saying he had been arrested outside his home while watching the disturbances. (*RDM* 1.10.76)

* Special courts sitting through the night at

Port Elizabeth convicted 200 young Africans following protest marches in New Brighton. Among those sentenced was an eight-year-old boy, who received five cuts with a cane. (*RDM* 17.9.76)

* 30 men and six women, all members of the right wing Herstigte Nasionale Party, were arrested following a large HNP march to the Prime Minister's private residence in protest against the 'sell-out' of Rhodesia. The police refused to allow them to see Mr Vorster. Of those arrested 23 refused bail initially; among them were the HNP deputy leader Mr Jaap Marais, 53, and Mr Gert Beetge, 57, building workers union leader. A week later when the 36 re-appeared in court the case was dismissed. (*RDM* 27/28.9.76; *GN* 7.10.76)

* Among 17 school students charged with sabotage after they had burnt down Bophuthatswana Legislative Assembly near Mafeking in August was the 18 year-old son of Chief Lucas Mangope, Chief Minister of Bophuthatswana Homeland. Shortly before they appeared in court to apply for bail, the charges against Mangope jnr. and two others were dropped on instructions from the Cape Attorney-General. (*RDM* 14/28.9.76, 8.10.76)

ANNOUNCEMENT:

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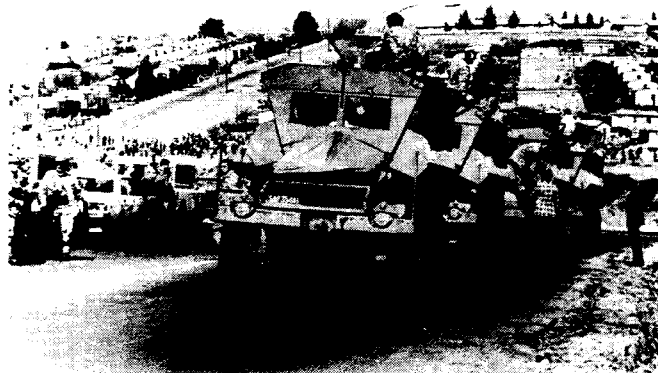
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African National Council, appeared briefly in Noone was injured in the attack and damage to and "four others", had their sentences reduced

10

Dramatic photographs taken during the June events in Soweto showing the demonstrations by school students and young people and the police response.



POLITICAL TRIALS

NDUKWANA AND FOUR OTHERS

At the beginning of this year a number of students and SASM members from the Healdtown Institute secondary school were detained by security police in the Alice and Kingwilliamstown area and held under the Terrorism Act in East London. One, Vuyi Baleni, apparently became mentally deranged following detention (see *FOCUS 5*, p. 12) and has been committed to a mental institution at Fort Beaufort.

In June five of those held were brought to court and charged with planning or trying to leave the country to undergo military training. The accused were:

Sotomela Ndukwana, 19
Vuyo Jack, 20
Goodwin Mda, 19
Phumelele Sizani, 22
Ngcola HEMPE, 19

All pleaded not guilty. (See *FOCUS 5* p. 12, 6 p. 6)

Two of those detained, Andile Ngaki and Don Oupe, were apparently still being held under the Terrorism Act in September, despite the fact that Oupe eventually gave evidence for the State. The parents of two of the accused, Mrs Myra Jack and Mr Collins Ndukwana, were excused from giving evidence in person when their statements were accepted by the defence.

At the end of June the case was adjourned. During August the attorney instructing the defence, Mr M. Tembeni, was himself detained by security police apparently for calling for an inquiry into the death of Mopetla Mohapi in police custody. (See *FOCUS 6*, p. 7)

When the trial resumed on 30 August Tembani Panti, who earlier had refused to give evidence for the State (*FOCUS 5*, p. 12), was apparently called again, again refused and was jailed for a further two months.

On 21 September all five accused were convicted of inciting each other and others to undergo military training. They were sentenced to five years' imprisonment. Jack and Ndukwana were given an extra five years for going to Durban 'with the intention of leaving the country'; Jack's sentences are to run concurrently. (*"South Africa - A Police State?"*, *Christian Institute Report 20.9.76*, *RDM 31.8.76*, 22/23.9.76)

RABKINS AND CRONIN

On 7 September three Whites appeared in court charged under the Terrorism Act

and Internal Security Act with conspiring with members and supporters of the SA Communist Party, the ANC and the PAC, and with preparing or distributing 14 or 15 different pamphlets since January 1973. (See *FOCUS 6* p. 6)

Dr David Rabkin, sub-editor on the *Argus* newspaper, his wife Susan Rabkin, and Jeremy Cronin, lecturer in political science at Cape Town University, were arrested on 28 July. When the trial opened on 22 September, David Rabkin and Jeremy Cronin pleaded guilty to both charges. Susan Rabkin pleaded guilty to a lesser charge under the Internal Security Act of serving the interests of unlawful organisations. Jeremy Cronin admitted to having been involved in only ten of the pamphlets.

The trial followed the discovery of typewriters, duplicators, paper, addresses, pamphlets, fireworks, explosive mixture and a timing device in garages rented by Rabkin and Cronin in Cape Town. These had apparently been used to print pamphlets mainly on behalf of the ANC which had been clandestinely distributed. Some had been exploded in 'bucket bombs' in Johannesburg streets in March this year. (See *FOCUS 4* p. 10)

All except one of the pamphlets had been typed on the typewriters found in the garage rented by Rabkin. According to press reports, one pamphlet referred to successful armed struggles elsewhere and said South Africans should 'know, master and use the skills of guerilla warfare'. Another dealt with Angola, saying Vorster and his western allies had been caught out trying to recolonise Africa. Another, posted in July 1974, urged its readers to fight for the right to strike, to call for the release of their true leaders and to reject the idea of 'homelands'. Copies of a message from the ANC had been sent to Cabinet ministers earlier this year, and another pamphlet ending 'Free Mandela - Hang Vorster' had followed the June killings in Soweto.

The case ended on 28 September with convictions for all three accused. In a statement David Rabkin said he did not regret his actions nor had his opinions changed; he still believed the ANC held out the only hope for 'all our people'. Jeremy Cronin said he worked for a democratic South Africa under the leadership of the ANC. He was sentenced to seven years imprisonment, David Rabkin to 10 years, and Susan Rabkin (who was 8 months pregnant) to 12 months - the minimum sentence - of which 11 would be suspended. (*RDM*

8/23-25/29/30.9.76; *Times* 8/23/24/29/30.9.76)

CRONIN'S STATEMENT

Extracts from Cronin's statement to the Court:

"My political involvement derives from principles that are moral and intellectual as well as political in character. At the heart of these is a threefold commitment - to work for the end of all class exploitation, to work for a democratic South Africa, and to work under the leadership of the ANC for national liberation of the African people and other oppressed national groups in South Africa.

"A democratic South Africa will only be feasible with the legitimate aspirations of the African people for full political, social and economic rights in this, the country of their birth. The national liberation of the African, Coloured and Indian peoples who are made to suffer various national disabilities will only be completed if the structure of our society is itself transformed, only if our society progressively ceases to be based on the exploitation of man by man.

"What I have done has been directed not against my fellow white countrymen but against a social system that many whites support but which I believe is not in the long term interests of most of South Africa or its people." (*RDM 29.9.76*)

FAKU AND GABA

Two young men, Christopher Nceba Faku (20) and Mthetheleli Joseph Gaba (20) were sent to prison for five years for planning to leave the country to undergo military training. Evidence was led that they attended several meetings in Port Elizabeth where the possibility of escaping to Botswana was discussed.

Passing sentence in Grahamstown Supreme Court, the judge said that Gaba's role in the inept ill-prepared conspiracy had been a minor one, but that he had no option but to sentence him to the minimum term of five years. (*RDM 25.9.76*)

SELANTO ACQUITTED

Vincent Selanto (see *FOCUS 6* p. 6) was eventually acquitted of perjury charges relating to his evidence at the trial of Eric Molobi (see *FOCUS 2* p. 8). The acquittal came on 9 July, after two security policemen gave conflicting evidence on their interrogation of Selanto. (*C.I. Report 20.9.76*)

African National Council, appeared briefly in

Noone was injured in the attack and damage to and "four others", had their sentences reduced

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TEN ANC MEN (NATAL)

The case against the ten men,

Harry Gwala
William Khanyile
Anthony Xaba
John Nene
Truman Magubane
Matthews Meyiwa
Azaria Ndebele
Zakhele Mdlalose
Joseph Nduli
Cleopas Ndhlovu

accused of recruiting ANC members for military training abroad (see *FOCUS 6 p. 5*) continued with the evidence of a large number of State witnesses, some of whom were warned as accomplices. Several had been kept in solitary confinement since their arrest in December 1975 and had only agreed to give evidence reluctantly, out of fear, or following torture.

The opening witnesses gave evidence relating to ANC activities in the 1960s, which did not appear to have much relevance to the activities alleged against the accused, most of which had taken place in 1975. The first witness with substantive evidence was Mrs Catherine Mkhize, a nurse at Edendale Hospital, where several of those connected with the case also worked (see *FOCUS 2 p. 9*), and presumably married or related to David Mkhize, also detained in December 1975 and an alleged accomplice.

Mrs Mkhize described how during 1975 she had delivered letters between Harry Gwala and contacts in Swaziland when she visited her son at school there. Another witness was Peter Gamedze, of Manzini in Swaziland, who stated that he had informed Gwala of a suitable place to cross recruits over the South Africa-Swaziland border, near to Goedgedond, where a trading store on the South African side faced Samson Mkhize's kraal on the other. Gamedze said he had met some of the recruits sent via this route but had refused to act as a courier. Instead, his wife Sylvia Gamedze, who also gave evidence, began taking letters and cases to the accused in May 1975.

Subsequent witnesses told of how certain of the accused had attempted to form ANC cells or to recruit them for military training. Thus Gerald Mdlalose, detained since 7 December (see *FOCUS 2 p. 9*) had been told he would be kept in solitary until he gave evidence. He stated that Sipho Khubeka, one of the accused, had suggested he form an ANC cell. Lewellyn Msimango, also in solitary since December, made a similar allegation against Khubeka.

Evidence of the same kind (plans to form three-man cells to recruit youngsters) was given against Matthews Meyiwa by Simon Sishi and Alfred Duma, an ex-political prisoner from Robben Island

who begged to be excused from giving evidence. Evidence against Truman Magubane was given by Moses Bhengu, a trade union organiser, also detained in December, who claimed to have formed a cell with Magubane, Khubeka and Gwala, and by a young man Hansford Madlala, who said Magubane had suggested he go to Mozambique for military training. John Nene was identified as having tried to recruit a 16 year old boy and Mandla Phungula.

Michael Gumede, who gave evidence against Anthony Xaba, said he had been assaulted and tortured by police following his detention on 30 November 1975. Xaba, who was being held in the same police station, heard Gumede 'crying out and asking for mercy'. When he agreed to give evidence, Gumede was released but warned to 'stick to his statement' or he would be re-arrested.

Another witness against Xaba was Philemon Mokoena, who told the court that Xaba had asked him if he wanted to "go to Swaziland or further" to become a soldier. Mokoena, detained since 1 December 1975, was warned to 'behave' after complaining to the court: "How long have I been locked up? Last year. Now I will be locked up again". He said solitary confinement was affecting his brain: sometimes he could not sleep, at others he could not wake up.

Harold Nxasana, a trade union organiser detained on 5 December 1975, whose wife applied to the Supreme Court for a doctor to see him as there were grounds for believing he was being mistreated in detention, also appeared as a State witness. Nxasana had worked together with Joseph Mdluli (see *FOCUS 4 p. 2*) in the trade union movement, and both had been imprisoned and banned for their activities. He had been held in isolation, without news of his family, although he had asked the magistrate every week for permission to see his wife. He knew it was 'his duty to keep silent' when questioned and had previously refused to give evidence in the Dean of Johannesburg's trial. This time his experience in detention had made him agree to give evidence.

In his evidence Nxasana said he had met Joseph Nduli in January 1974 when the latter was in South Africa, and had heard of plans to revive the ANC with the establishment of three-man recruiting cells. Later in the year William Khanyile had brought Nxasana a message from Albert Dhlomo in Swaziland repeating the message, and adding that the South African Congress of Trade Unions (SACTU) should be also revived. In July 1975, Khanyile gave Nxasana a letter from Gwala suggesting a memorial meeting for Chief Albert Luthuli to be held in December. Later Nxasana was asked by Joseph Zuma to help in getting two

recruits out of the country. Nxasana suggested asking Joseph Mdluli to help. (*RDM 19.8.76, 3/4/8/14/15.9.76, 5/7/9.10.76; CT 3.9.76; Natal Mercury 3/8/9/10/24/25.9.76*)

Six of the accused in this trial have filed a suit for R40,000 damages against the Minister of Police. Joseph Nduli and Cleopas Ndhlovu, who were kidnapped from Swaziland by SA police, are each claiming R10,000 for maltreatment and torture while in detention. Anthony Xaba, William Khanyile, Truman Magubane and John Nene are claiming R5,000 each for damages for assault and abuse by the police. (*Natal Mercury 25.9.76*)

BLACK CONSCIOUSNESS

The defence case in this long running trial of nine SASO/BPC members closed in August and hearings were adjourned until October.

Defence witnesses (see *FOCUS 6 p. 5*) continued with the appearance of Vasantraai Soni, a former reporter, who gave evidence on the Viva Frelimo rally in September 1974, Lybon Mabasa, a high school teacher who gave evidence on the similar rally at Turfloop, Frank Chikane, executive member of the black students' Christian Movement who spoke on black theology, and Rev. Tshenuwani Simon Farisani, past president of BPC, who gave evidence on BPC aims - to articulate black needs to counter psychological oppression inflicted by apartheid. (*C.I. Report 20.9.76; CT 17/24.8.76*)

The last of the accused to give evidence was Nkwenkwe Vincent Nkomo, who was cross-examined over documents he had written. He expounded the message of these as that black people should live out 'the gospel of black consciousness' and 'stand up and fight' for liberation in a figurative not a literal sense. He had not meant confrontation in terms of violence, nor that any particular individuals or governments were evil, rather that racism itself was evil. Nkomo went on to say that the people of South Africa supported the BPC, which rejected every form of black representation established by the white government, and regarded the homeland leaders as 'traitors and puppets' who did nothing for blacks but were 'simply manipulated by the whites'. (*RDM 21.8.76*)

The case closed for counsel to prepare argument. When it resumed three of the nine accused alleged that the prison authorities had hindered the preparations of their defence case. According to Saths Cooper, Gilbert G. Sedibe and Strini Moodley, documents relating to their defence had been removed by prison authorities, and they sought an urgent application to the Minister of Police that the documents be returned. The appli-

cation was postponed sine die. (RDM 6.10.76)

On 12 October the case resumed with the prosecution summing up. The nine accused have now been in custody for two years.

MOSS AND FOUR OTHERS

The defence case in the trial of the five young whites connected with NUSAS (see FOCUS 6 p. 6, 4 p. 11) continued in August and September.

The first of the accused to give evidence, Cedric de Beer (23), denied that he had conspired and committed acts to further the aims of communism, as the State alleged. He supported neither the SA Communist Party nor violence as a means of changing society. He hoped for a non-racial society achieved peacefully. (RDM 18-20.8.76)

Edward Webster (33) the second accused and a lecturer in industrial sociology whose presence in the dock appears to arise from a talk he gave to NUSAS on black consciousness, denied conspiracy and advocating violence. He had given the talk to a NUSAS seminar in 1973 but had not been present when the campaign on behalf of political prisoners was discussed, and had in fact been opposed to such a campaign. He spoke of the need to free whites 'from the need to dominate' so necessary social change could take place and advocated democratic trade unions as stabilising institutions that articulated grievances and averted conflict. (RDM 2-4.9.76)

Glen Moss (23) former deputy vice president of NUSAS, denied that NUSAS had been a front for the SA Communist Party or the ANC. The release of political prisoners was seen as the first step towards the peaceful resolution of South Africa's problem. He agreed he had taken part in discussions about the campaign. (RDM 8/9.9.76)

Charles Nupen also gave evidence but was not reported in the press. The fifth accused, Karel Tip, apparently did not give evidence. In addition to the accused, Prof. Lawrence Schlemmer of the Applied Social Sciences Centre at the University of Natal gave evidence on the need for black representation in trade unions. Sir Richard Luyt, principal of Cape Town University, was also called by the defence, which closed its case on 13 September. (RDM 10/14.9.76)

When the trial reopened on 27 September the State handed in a 133-page argument claiming that the accused had used NUSAS for their own aims — unlawful social, economic and political change in South Africa. The defence argued that no such conspiracy had been proved, and attacked the testimony of the campus spy Lt. Brune (see FOCUS 6 p. 6) as distorted and inconsistent. (RDM 25/28/29.9.76, 1.10.76)

VARIAVA AND KHUZWAYO

Sadecque Variava, originally one of the accused in the SASO/BPC trial, and Nomsisi Khuzwayo, detained in November 1975, are currently on bail awaiting trial (see FOCUS 2, p. 9). They are due to appear in Court in November 1976 but it is possible that the case will not begin before the SASO/BPC trial is over. (Christian Institute Report 20.9.76)

MAISELA: CHARGES DROPPED

Patrick Maisela, laboratory technician at Baragwanath Hospital detained on 9 October 1975 and originally charged with Joseph Molokeng and others in the 'NAYO' case (see FOCUS 3, p. 4) finally had the charges against him withdrawn when he appeared in court for the seventh time on 24 August 1976. The charges alleged furthering the aims of communism and/or the ANC. The reason given for dropping the charges was 'no witness available'. (C.I. Report 20.9.76)

JAIRUS KGOGONG

Jairus Kogong, a hostile witness in the trial of Molokeng and six others connected with NAYO (see FOCUS 4 p. 10) who was arrested and charged with perjury and/or theft (he had produced in court the paper on which the security policeman in charge of the case had written additions to be made to Kogong's statement). He was released on bail, to report to the police twice daily, and on 13 July disappeared into detention. Later, still in detention, he appeared in court and the case was struck off. He is believed to be still in police custody. (C.I. Report 20.9.76)

MICHAEL TSAGAE

Michael Tsagae (19), a law student appeared in Johannesburg Regional Court on 14 June charged with assault and disturbing the peace. The charges arose from the confrontation on 18 March 1976 between police and demonstrators outside the Rand Supreme Court where Molokeng and the other NAYO people were being tried (see FOCUS 4 p. 10). Tsagae pleaded not guilty.

On 6 October Tsagae was acquitted. (RDM 15.6.76, 7.10.76)

HEINEMANN ELECTRIC

The two officials of the Metal Workers and Allied Union who were arrested following the police attack on workers outside the Heinemann Electric factory in Germiston in March appeared in court in June (see FOCUS 5 p. 14).

Gavin Anderson, MAWU organiser, and Siphon Kubheka, MAWU secretary, were charged under the Riotous Assemblies Act, the Bantu Labour Regulations Act, the Industrial Conciliation Act and the Police Act. They pleaded not guilty.

Evidence for the prosecution was given by the factory manager and the managing director, revealing a management plan 'in the event of a strike' to dismiss the workers and recruit selectively. When workers were re-employed they were asked to commit themselves to working 'under a liaison committee' rather than through the union, and asked to identify the 'main troublemakers'.

An East Rand Labour Officer admitted having called the police to the Heinemann dispute, and said official policy was against trade unions for 'Bantu'.

Evidence given by two police officers, one of whom admitted hitting Gavin Anderson with his baton, was shown to be unreliable in cross-examination.

The case was remanded until 26 August. When it recommenced, the State unexpectedly closed its case. The defence applied for an acquittal, which was granted in respect of the Riotous Assemblies Act only. Anderson gave evidence in his own defence, denying that he had incited the workers to strike. He stated that he had advised workers to accept re-employment at Heinemann Electric.

On 31 August both men were convicted under the Bantu Labour Regulations and Industrial Conciliation Acts of encouraging workers to strike. Anderson was fined R90 and Kubheka R45. (C.I. Report 20.9.76; RDM 28.8.76)

The four young workers charged after the police attack outside the Heinemann factory in March (see FOCUS 5 p. 14) have had their case repeatedly postponed. Abram Mkhabele (29), Steve Maseko (26), Lillian Mashinini (29) and Miriam Mohokare (22) are charged under the Riotous Assemblies and Bantu Labour Regulations Acts, and are out on bail. (C.I. Report 20.9.76)

BEN LOUW

Benjamin Louw, an active SASO member from Cape Town, who in 1975 was twice detained (for 150 days and 65 days) was again arrested at the University of the Western Cape, where he is a student, on 4 August 1976 and taken to Johannesburg.

On 20 August he appeared in Court under the Terrorism Act, charged with having incited people to undergo military training. (C.I. Report 20.9.76)

ANTHONY HOLIDAY

The Cape Times reporter Anthony Holiday (35) detained on 28 July appeared in court on 8 October on charges under the Terrorism Act. He was remanded in custody for summary trial at the Supreme Court on 8 November. No further details were given, nor were charges preferred against other pressmen detained at the same time. (RDM 8/9.10.76)

MRS MBALA

In a brief item it was reported that on 15 September a 60 year old African woman named Thenjiwa Edith Mbala appeared at Johannesburg Magistrates Court charged under the Suppression of Communism Act. Bail was refused. (RDM 16.9.76)

WAR IN THE NORTH

Two operations, in particular, have now been exposed. Operation Cobra, in which Bill Anderson was involved, took place in Ovamboland in June. (Anderson, who was conscripted into the SA army and later fled to Europe, confirmed the main points of his testimony before the UN in September.) Operation Eagle-Ops took place in the same region between May and August, and was witnessed by another soldier (unnamed) whose evi-

OPERATION COBRA

One rifleman-driver of "A" company in my battalion ---- (was) ordered to take the three suspects down to the river by the battalion commander and shoot them.

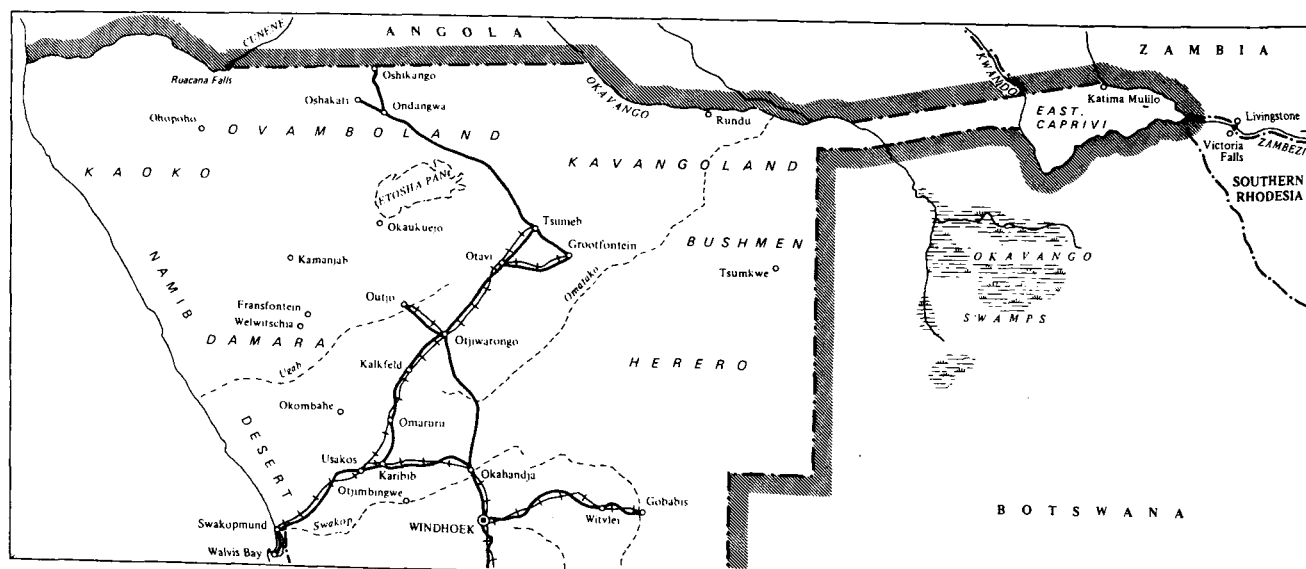
We were then moved back to a military camp at Sodolet in South-West Africa, and stayed patrolling the border until mid-April when we were given one week's leave at home.

We were then sent up to Grootfontein.

Torture began almost at once when the suspects were brought back. The first few were interrogated by a section of 10 South African police inside the tent of battalion HQ. I saw the troops beating the suspects with rifles and fists and kicks for two hours before they were taken into the tent. All the troops were welcome to join in the beating.

Whenever the torture was going on either in battalion HQ or in the open space behind, a crowd would gather to watch. I would not watch but every night I heard the screams.

[Anderson explains that there was a drinks tent, for the use of the regular soldiers only, mainly officers and NCOs, where beer and spirits were served. It closed at about 9 p.m.]



Torture would begin when the club closed. The screams would go on until well after midnight. Officers boasted in front of me of using field telephones for electric shock torture to genitals, nipples and ears. It was common knowledge that this was being done.

I saw two suspects given water torture at the camp near Inahna. Their heads were stuffed into an ordinary iron bucket full of water and they were held under until they ceased to struggle. It lasted a good minute. I saw one large suspect who struggled so that five men had to hold him into the bucket.

I often saw young boys being roughly manhandled and kicked. They were blindfolded. Some were about 13 and some were a little older.

All suspects were blindfolded and beaten when brought in. The conditions they were kept in were appalling. They were handcuffed to trees at night. Some were kept in pits. It was winter and very cold, approaching freezing point at night. Suspects were handcuffed to trees, dressed only in loincloths and drenched in cold water.

I was the cook and the only food I know they were given was scraps once a day which were piled into a big bin. On average, they were interrogated by our battalion for two days before being 'copter back to Ondongwa.

Early in June the five battalions mounted a joint operation, sweeping in to the centre. My battalion swept down from near the border, while other battalions moved in from the flanks towards a stop battalion in the south. My battalion swept 100 sq km with one section per kilometre moving at 1 km a day. Every male over the age of puberty was brought in. The orders were to kill those who ran and arrest those who did not run. All arrested men were beaten, tortured and interrogated without exception. They were then taken to Ondongwa.

Our battalion captured between 200 and 300 men, and other battalions captured a similar number, I believe. Of the 1,000 or so detained men, we were later told that 40 were to be charged with terrorism offences. All went to Ondongwa where those not charged were ordered to fill sandbags endlessly while soldiers emptied them and ordered them to fill the bags again. They filled the bags with their bare hands." (GN 30.8.76)

EAGLE - OPS

In this offensive, helicopter swoops were made on kraals in Ovamboland to check that the inhabitants had identity cards. Those who could not produce them were arrested and sent to the military camp at Oshakati, where there is a detention

centre at which torture is used to extract information from those being held.

The soldier who reported these details also revealed the existence of white units called "recce" troops which are neither Citizen Force (conscript) nor Permanent Force personnel. They have been involved in raids such as that at Sialola (*see next item*), and act as military advisers to UNITA and FNLA in southern Angola. They fight with these groups disguised as guerillas, using black greasepaint and South African manufactured AK47 machine guns. (GN 31.8.76)

The SA Defence Force denied the allegations published in the *Guardian*, but prohibited the South African press from reporting them and instructed them to use a statement about the affair by Pastor K. Ndjoba, Chief Minister of Owambo. Mr. P. Botha, SA Minister of Defence, then invited the *Guardian* to make an on-the-spot investigation, but the invitation was withdrawn when the paper asked for access to serving soldiers named by Anderson, an interpreter of its own choice, freedom of movement in Namibia, and the opportunity to meet the key witnesses again in three months' time to establish their physical well-being. (RDM 1.9.76; GN 2/6/7.9.76)

BORDER ATTACKS

1. ZAMBIA

In June a Zambian soldier was killed when the truck he was travelling in hit a landmine in the Sesheke district of western Zambia close to the Namibian border. The Zambian authorities accused the South Africans of responsibility for this incident. Later it was reported that South African forces had shelled a Zambian village across the Zambezi river. (WA 18.6.76, 12.7.76)

Then on 11 July armed helicopters from South African bases in the Caprivi launched an early morning attack on Sialola, a SWAPO camp 28 km. inside Zambia, according to Zambian government statements. Some 24 people had been killed and others injured. The South African Defence Force denied the allegations. (WA 12.7.76)

The Zambian government applied to the UN Security Council for a debate on the matter, charging South Africa with 14 acts of aggression this year, including the attack on Sialola. In a speech to the Zambian people, President Kaunda said: "In many other incidents since the beginning of this year Zambia has lost lives in landmines planted by the racists. Our people have been maimed permanently and livestock and thousands of kwacha worth of property have been destroyed. The SA Air Force has violated Zambia's airspace on numerous

occasions." (BBC 19.7.76)

The Security Council debate took place at the end of July. Early in August the Zambian government stated that a Zambian soldier had been killed and another injured during a clash with South African forces at Mambova, near the border. (WA 16.8.76)

The United Nations Security Council strongly condemned the South African attack on the village of Sialola, voting 14 for and none against the resolution, with one abstention (USA). (UN/WS/76/32)

The Mushala Gang

Earlier this year an armed gang identified only by the name of its leader, Adamson Mushala, was reported to be operating an anti-government, anti-UNIP guerilla campaign in Zambia's North Western Province. In May the Zambian Minister for Home Affairs said the gang had killed six people, blown up a bridge and burnt some villages. According to South African radio, a mission hospital was attacked in June, and bombs were detonated outside the GPO and Zambian High Court in Lusaka. The radio alleged there had been several skirmishes between the gang and the Zambian army in North Western Province. As a result it was reported that the UNIP Secretary General, Grey Zulu, was unable to undertake his planned tour of the province. (RDM 14.5.76; Times 18.6.76; BBC 23.7.76)

In his speech to the nation President Kaunda alluded to these incidents, saying "At the same time South Africa has trained Zambian malcontents to overthrow our government. Our security forces have been engaged in tracing the South African trained Mushala gang and this exercise is still continuing." At the time of the Security Council debate Zambia claimed to have captured documents which showed Mushala had been trained by South Africa. (BBC 19.7.76; Times 28.7.76)

When the allegations were initially made by Zambia in May, the SADF denied all complicity with the incidents and said it had never trained men for such purposes. In mid-June four Zambians were convicted in Zambia of recruiting men to go for training in South West Africa, with the object of overthrowing the Zambian government. These offences were said to have taken place late in 1972. (BBC 15.5.76; RH 18.6.76)

When the allegations were repeated at the UN, South Africa issued a long statement setting out its official position on the Mushala gang, which acknowledged Mushala's presence in Namibia during most of 1975 and ended by saying: "Mushala is no friend of the South African government and neither is the South African government a friend of

African National Council, appeared briefly in Noone was injured in the attack and damage to and "four others", had their sentences reduced

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Mushala. He is a disreputable character who became a nuisance and embarrassment to us." (WA 29.7.76)

2. ANGOLA

On 8 September the Angolan government issued a list of 'border violations' committed by South Africa since the formal withdrawal of SA troops from Angola in March this year. The majority of these were overflying incidents, when SA planes violated Angolan airspace, presumably for reconnaissance purposes. One or two incidents took place at the border post on the main north-south road from Windhoek to Luanda. Early in July Angolan President Neto stated that SA troops had recently crossed the border and burned three villages. This was denied by the SADF.

More serious were incidents indicating the continuing activity of UNITA forces in conjunction with SA troops. On 23 July the Angolan army engaged with a UNITA-SA unit some 7 km inside Angola, to the east of the main road.

Ever since the beginning of the year, when South Africa began to set up large refugee camps for Angolans in the Kavango region of northern Namibia, it

was suspected that these could be partly used for re-training and re-equipping ex-UNITA guerillas in order to return across the border and harass MPLA. This suspicion was confirmed at the Angolan press conference on 8 September by the testimony of three UNITA guerillas captured whilst on a 'patrol' inside Angola. They stated that the main training base was located at a place called Pica Pau in the Caprivi Strip, and was manned by South African and ex-Portuguese officers. The guerillas were composed of ex-UNITA and FNLA supporters (including some identified as Zairean) and the force was now known as the CMR or Resistance Military Command. Most of their activity took place in the south-eastern Cuando-Cubango region of Angola.

Towards the end of August, according to press reports, the Angolan armed forces (FAPLA) launched a military operation to put an end to this infiltration of armed units. The aim was a systematic patrol of the border and the occupation of several 'forward bases' used by the CMR guerillas. One such was said to be Dirico; others mentioned were Cuangar, Calai and Mucusso, all of them on the Cubango (Kavango) river where it forms the Angola-Namibia frontier. This operation resulted in the capture of the three UNITA men, and that of a SADF soldier, Pte. Eugene de Lange, who said he had crossed into Angola 'for the fifth or sixth time' in order to pick up refugees. His base was at Bagani in the Caprivi and he was said to have been captured near Mucusso. The SADF claimed he had crossed by mistake. (FT 12/13.7.76; Angola Solidarity Committee bulletin Sept 1976; WA 26/28.8.76; GN 27/28.8.76; BBC 27.8.76; RDM 1.9.76)

At the end of September another incident was reported in the South African press and radio. Large numbers of refugees were said to be entering Namibia from Angola, fleeing from a massacre allegedly inflicted by forces belonging to FAPLA and SWAPO, who were said to have killed over 100 UNITA supporters in southern Angola and burnt some villages. It was suggested that this was a reprisal for the destruction of an Angolan army unit by UNITA forces near Oshikango. Luanda radio immediately denied these reports as 'false and ridiculous' but gave no further details.

On 1 October press reporters were taken by the SA authorities to a camp 3 km inside Namibia, where 400 refugees, many of them children, were staying. There they spoke to an Angolan headman, who said his village had been burnt to the ground and the people forced to flee; to Lucky Shipala, formerly of SWAPO, who claimed to have escaped after being locked up because of his opposition to Cuban assistance to

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SWAPO; and to Paulus Haihambo, a 19 year old UNITA supporter, who claimed to have seen the bodies of those massacred, at Efitu. The internal SWAPO Foreign Affairs spokesman commented that, with pressure from the UN mounting, "South Africa is trying to divert world opinion from the state of affairs in the territory" and in particular trying to create a counterweight to the atrocity allegations against SA troops made by the former conscript Bill Anderson a month earlier (see above). (WA 27/29/30.9.76, 4.10.76; BBC 30.9.76, 1/4.10.76; FT 29.9.76, 1/5.10.76; RH 29.9.76; ST 3.10.76; RDM 4.10.76)



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

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According to a UN research paper reported in the *Guardian* (1.9.76), South Africa has the following forces in Namibia:

Counter insurgency command	12,800
Motorised infantry brigade	5,000
Specialist counter-insurgency brigade	5,000
Police counter-insurgency unit	1,900
Field artillery squadron	900
'Reaction' force (to deal with heavy incursions across the border)	6,400
One infantry brigade	5,000
3 light anti-aircraft batteries	600
Paratroop battalion	800
Logistic support (including signallers, engineers, medical, quartermasters staff)	26,300
Air commando group and air support (including 1 squadron Mirage fighters; and some helicopter squadrons)	3,000
TOTAL	48,500

The paratroops and mechanised brigade are based at Grootfontein, the motorised infantry at Ondongwa, the police unit at Oshakati, the reserves at Ombalantu.