

News Bulletin of the International Defence & Aid Fund

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# focus

## ON POLITICAL REPRESSION IN SOUTHERN AFRICA



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# CURB ON ORGANISATIONS

In February the government imposed further restrictions on leading anti-apartheid organisations and the trade union movement by amending existing emergency regulations. They were the most far-reaching measures since the outright ban on 18 organisations, two newspapers and several individuals in October 1977, in the wake of the Soweto uprising. The new restrictions were met with widespread protests.

In terms of the new regulations 17 organisations, including the United Democratic Front and other national organisations prominently involved in resistance between 1984 and 1988, some of their office-bearers and other anti-apartheid activists were restricted and the political role of the Congress of South African Trade Unions (COSATU) was severely circumscribed. Simultaneously, for the first time, the government closed down an opposition newspaper under existing emergency restrictions on the media.

The new measures issued in the *Government Gazette* on 24 February amended emergency regulations imposed in June 1987 which had already severely curtailed the activities of the organisations affected. They allow the Minister of Law and Order to prohibit an organisation from 'carrying on or performing any activities or acts whatsoever' without his prior permission. They also allow the Minister to prohibit individuals from performing specified activities or 'being at any time or during the hours specified . . . outside the boundaries of an area likewise specified' or 'being . . . outside the boundaries of the premises where he lives'. A sub-regulation makes some exemptions to the general prohibition - an organisation is allowed to preserve its assets, keep its books and records up to date, and perform related administrative functions. It can also comply with obligations imposed on it under any law or by a court of law, take legal advice or judicial steps and un-

dertake activities for which ministerial consent has been obtained.

The orders will remain in force until withdrawn by the Minister or until the State of Emergency is terminated. On the same day the Minister used these new powers to issue an order listing 17 organisations affected by the new regulations (*see box*) and 18 people were issued with orders restricting their activities and freedom of movement (*see KEY ACTIVISTS RESTRICTED*). (GG Nos. 11156/7, 24.2.88)

### COSATU

COSATU was subject to a separate set of restrictions. In terms of the Public Safety Act of 1953, under which the emergency regulations are promulgated, actions covered by the Industrial Conciliation Act and related legislation (ie bargaining between employers and trade unions), are excluded from the ambit of the regulations. It was therefore not possible to prohibit COSATU from 'any activity whatsoever'.

Instead, in a separate order, COSATU was prohibited from several specific activities (*see box*) which circumscribe its political role. These restrictions spell out in detail the principal targets of the clampdown. COSATU officials pointed out that many of its current campaigns were outlawed. Its campaigns for the release of imprisoned unionists, and in support of Moses Mayekiso, General Secretary of the Metal and Allied Workers Union, or the SA Railways and Harbour Workers Union members currently on trial were made illegal. Similarly COSATU campaigns against the death sentences on three members of the National Union of Mineworkers and a Commercial, Catering and Allied Workers Union member, its proposed campaign against the October local government elections, and those to commemorate days of mourning such as 16 June, Sharpeville Day or the death of 177 miners at the Kinross Gold Mine in September 1986 and the shooting of railway workers during the 1987 rail strike were outlawed. COSATU was also prevented from calling for rent boycotts, opposing forced removals or

advocating sanctions or other forms of pressure against the government.

In March, the government imposed a banning order on the opposition weekly, *New Nation*. The paper had been under threat of closure for several months but this was delayed while lawyers challenged the validity of the emergency regulations restricting the media. The court ruled against the paper, allowing the Minister of Home Affairs to close it down with immediate effect. The ban applies until 10 June and can be renewed. (FOCUS 74 p.2; GN 23.3.88)

The February regulations amount to a virtual ban on the national organisations which have emerged since 1983, notably the United Democratic Front and the National Education Crisis Committee, as well as youth organisations. Individual affiliates of the UDF are, however, not

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# South Africa

# UDF AND COSATU RESTRICTED

## NEW REGULATIONS

New regulations empower the Minister of Law and Order to issue an order prohibiting an organisation 'from carrying on or performing:

- a) any activities or acts whatsoever;
- b) any activity or acts specified in the order;
- c) activities or acts of a nature, class or kind specified in the order'

Seventeen organisations listed below were restricted under clause (a), while COSATU is prohibited from:

A) 'soliciting support from the public (including acts whereby appeals are made to the government)' for:

- i) the unbanning of unlawful organisations;
- ii) the release of detainees or prisoners;
- iii) the suspension, remission, reduction or not carrying out of a sentence imposed on a person;
- iv) the abolition of local authorities

B) the 'stirring up, by way of publicity campaigns of opposition' to:

- i) the detention of persons under the Internal Security Act or under the emergency regulations;
- ii) the system of local government;
- iii) negotiations or proposed negotiations regarding a new constitutional dispensation

C) the 'making of calls on or encouraging or inciting the public by way of publicity campaigns' to:

- i) boycott or not to take part in local authority elections, or preventing, frustrating or impeding such an election;
- ii) observe any particular day to commemorate or celebrate:

a) the founding of an unlawful organisation or one declared affected under the Affected Organisations Act;

b) an event in the history of such an organisation which is of some importance to the organisation;

c) an incident of riot, public violence or unrest or a protest gathering or march, or an event which has occurred in the course of these;

d) the death of a person;

e) any particular day in honour of a prisoner

D) 'the founding, establishing, propagating, financing, organising, management or operation of alternative structures' (area, block or street committees)

E) 'interference, meddling with or making calls to the public to interfere or meddle in the affairs or functions of a local authority'

F) making calls or inciting:

- i) persons doing business in the Republic to disinvest or cease doing business;

- ii) the government of another country to apply trade, economic or other punitive measures against the Republic or to sever or restrict diplomatic or other relations;
- iii) a person outside the Republic to terminate, suspend or sever affiliation or ties with persons organisations or bodies inside the Republic.

G) organising or holding public gatherings at which any of the matters mentioned in the order are advised, encouraged, propagated, discussed, advocated or promoted.

## RESTRICTED ORGANISATIONS

The seventeen organisations restricted under clause (a) were:

Azanian People's Organisation; Azanian Youth Congress; Cape Youth Congress; Cradock Residents' Association; Detainees Parents' Support Committee; Detainees Support Committee; National Education Crisis Committee; National Education Union of South Africa; Port Elizabeth Black Civic Organisation; Release Mandela Campaign; Soweto Civic Association; Soweto Youth Congress; South African National Students' Congress; South African Youth Congress; United Democratic Front; Vaal Civic Association; Western Cape Civic Association.

## CURB

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affected by the restrictions of the parent body, unless specifically named in the list of 17 organisations. (WM 4.3.88)

A further clampdown on anti-apartheid organisations has been pending since the last quarter of 1987, following the release of imprisoned ANC leader Govan Mbeki. The police and government ministers stated that 'after the revolutionary climate subsided somewhat last year [1986] it is now on the increase again'. Mbeki, they said, was 'being used as part of a subtle ANC strategy to give maximum publicity to the ANC, while not overstepping the law'.

Government representatives returned to this theme in subsequent statements: they felt that although the 'security forces' were 'maintaining a firm grip on the national security situation the revolutionary climate was getting worse.' They were considering what emergency powers 'could be used to curb the activities of individuals and organisations acting within the limits of the law to intensify the revolutionary climate . . . people and bodies that were using loopholes in security legislation to stir up animosity and rejection of legitimate structures of authority. Organisations like the UDF and even some trade unions were going all out to break down authority and create suspicion among the populace of the government's constitutional reform intentions'.

There were press reports in December that regulations to curb anti-apartheid organisation had already been drafted. (Star 30.11.87; BBC 1.12.87; WM 4.12.87)

The clampdown is part of the government's longer-term aim of suppressing organised resistance so that it can impose a constitutional

dispensation aimed at preserving the essential features of the apartheid system. Part of the strategy has been to increase its repressive forces, especially those at the disposal of its local and regional authorities. During the past 18 months this has involved increasing the size of the police force, and stimulating the growth of vigilante groups and political forces linked to these authorities. It has also encouraged divisions among anti-apartheid groups. The restrictions on individuals were linked to this aspect of the strategy. Several of those banned were involved in trying to resolve conflicts within communities, or seeking to restrain police from assaulting residents (see BANS).

The clampdown also explicitly seeks to preempt campaigns to boycott the proposed country-wide local authority elections in October, in which the government hopes to re-impose the discredited system of town councils (see Box, regulation B(ii), C(i)). (Ind 25.2.88; New Statesman 4.3.88)

## REACTIONS

The clampdown was widely condemned by groups in South Africa ranging from employer federations through organisations representing journalists, professionals, students and academics, and UDF affiliates which had not been restricted. Several groups called public meetings in protest. (WM 4.3.88)

The most forthright reaction came from the religious organisations which were not affected by the restrictions. Immediately after the measures were imposed twelve prominent religious leaders vowed that regardless of the consequences they would 'continue many of the activities' of the 17 restricted organisations. The twelve also called on churches to organise ser-

vices to protest at the measures. Such services were subsequently held in many parts of the country. (Star 26/29.2.88)

A group of 150 people, mostly clergy, including the Anglican Archbishop of Cape Town Desmond Tutu, President of the World Alliance of Reformed Churches, Dr Allan Boesak, and the Roman Catholic Archbishop of Cape Town, Stephen Naidoo, were arrested when they tried to march to Parliament after a protest service in Cape Town's St George's Cathedral. They wanted to present a petition to the State President. All were later released. (Tel/Ind 1.3.88)

In mid-March churches held a second series of services to commemorate National Detainees Day. Such services were in the past organised by the restricted Detainees' Parents Support Committee (DPSC).

Religious leaders were prominent in the formation of the Committee to Defend Democracy in South Africa (CDDSA), along with a broad cross-section of community and academic leaders. Included among those who attended the inaugural meeting in mid-March were Archbishop Tutu, Rev Allan Boesak, Archbishop Naidoo, the rector of the University of the Western Cape and the presidents of the Black Sash and South African Council of Sport. However a rally planned to launch the committee was banned by the authorities and the organisation itself was restricted in March. A religious service hastily organised to replace the banned rally was attended by over 2,000 people, in spite of police roadblocks in parts of Cape Town which prevented people reaching the cathedral. (Star 8/14.3.88; GN 14.3.88)

There were also strong protests at several universities, mainly in solidarity with the SA National Students Congress.



## MASS DETENTIONS AFTER MUTINY

For fifteen hours on 10 February the Bophuthatswana bantustan administration was controlled by a mutinous section of the 'Bophuthatswana Defence Force' (BDF). The 'coup' collapsed when South African troops stormed a stadium in which the bantustan leader Lucas Mangope and other senior officials were being held.

The mutiny was carried out by disaffected members of the 600-strong National Security Unit responsible for protecting dignitaries and guarding key buildings. Members of the force, which was formed in 1986 and has now been disbanded, were given only six weeks training and proved no match for South African Defence Force (SADF) units equipped with armoured vehicles which put down the mutiny. (*Star* 13.2.88)

The mutineers, led by a Warrant Officer, captured Mangope and other senior bantustan officials, including South African officers who command the BDF, and held them at gunpoint in the Mmabatho Independence Stadium. They attempted to install as 'president' the leader of the recently-formed opposition People's Progressive Party (PPP), Rocky Malebane-Metsing. (*DN* 11.2.88)

### JUBILATION

While the mutiny was restricted to the guard unit, other units of the 'Bophuthatswana Defence Force' (BDF), up to 4,000 men, did nothing to stop the revolt after the capture of their South African commanders. Students at the University of Bophuthatswana demonstrated in support of the overthrow of Mangope and in some areas people displayed open jubilation at the news. (*WM* 12.2.88)

While the PPP accepts the principle of ban-

tustan 'independence', the mutineers denounced the corruption of the Mangope administration and the rigging of bantustan elections in October last year.

### ELECTIONS

Mangope's National Democratic Party won 66 of 72 seats in the bantustan legislature in the October elections, the PPP taking the other six. Anti-apartheid organisations had called for a boycott of the election, and only about six per cent of potential voters turned out. Opposition groups demanded the nullification of the election results, citing widespread intimidation, pressure on public servants and threats to withdraw payments from pensioners voting against the ruling party. (*NN* 29.10.87, 19.11.87; *Ind* 31.10.87)

A central figure in the corruption allegations is an Israeli businessman, Shabtai Kalmanovitch, who played a prominent role in the bantustan administration, acted as trade representative in Israel and secured most of the construction contracts in Bophuthatswana. The bantustan has been the hub of a complex web of international financial deals, which included secret South African arms deals in violation of UN embargoes.

According to some reports, Pretoria was determined to keep Mangope in power because of his good links abroad, especially in the Federal Republic of Germany, and his knowledge of South African arms and financial deals. The bantustan police and military units are also closely tied to Pretoria. (*SS* 10.2.88; *NN* 11.2.88)

A wave of popular resistance in Bophuthatswana, which was at its most intense in 1984-6 in the densely populated Odi-

Moretele district, has been met with brutal repression and the detention of many youth and community leaders. At least three people have been sentenced to death in a trial arising out of resistance. At the huge Winterveld resettlement site in March 1986 Bophuthatswana police opened fire on a crowd protesting at detentions, killing at least 11 and wounding 200. A commission of inquiry into the massacre had not made its findings known by the time of the army mutiny. Meetings not approved by the authorities are prohibited under the Bophuthatswana Internal Security Act, and there are severe restrictions on trade unions. (*WM* 9/23.10.87)

### TERROR

The February mutiny was followed by 'a reign of terror', according to the general secretary of the South African Council of Churches, Rev. Frank Chikane. He said that hundreds of people had been 'hunted and harassed and detained by the Bophuthatswana Defence Force, supported by the SA Defence Force', and that members of youth clubs, women's groups and cultural organisations had been targeted.

On 19 February it was disclosed that 446 people had been arrested, including 280 members of the disbanded National Security Unit and 163 supporters of the PPP. Forty-six people had appeared in court. Bantustan officials said that charges of treason, which carry the death penalty, were being considered. SADF and SA Police personnel were still present in large numbers in the bantustan in March. The university was closed for a week after the mutiny and its residences were shut down. (*Star* 16.2.88; *WM* 19.2.88, 11.3.88)

## ATTACK ON FOREIGN FUNDING

On 1 March the government introduced legislation intended to cut off the foreign funding of organisations with broadly defined 'political purposes'. The proposals came in the wake of the restrictions imposed on individuals and organisations under the emergency regulations.

Many anti-apartheid organisations, trade unions and religious bodies receive substantial funding from abroad. The European Economic Community, for example, has reportedly already donated US\$30.5 million to anti-apartheid groups and plans to spend a further US\$24.4 million this year. (*Star* 11.3.88)

### THREATS

The current proposals follow a series of threats made by government representatives since June 1986. There are already laws giving the government extensive power to restrict foreign funding.

The Fundraising Act, 1978, prohibits any organisation from collecting contributions, inside or outside the country, if the government deems this to be in the 'public interest'.

The Affected Organisations Act, 1974, gives the government powers to investigate and to monitor an organisation's activities, and to declare it 'affected' on the grounds that it engages in politics with assistance from or under the influence of an organisation or person abroad. In October 1986 the UDF was declared an affected organisation. However, this was challenged in the Supreme Court in May 1987. The case was won on technical grounds and although the government was granted leave to

appeal, it did not take the matter any further at that time. (*DD* 8/9.5.87; See *FOCUS* 71 p.2)

The Prohibition of Foreign Financing of Political Parties Act, 1968, prohibits the foreign funding of all political parties and of any other organisation with political aims or objectives.

### INVESTIGATIONS

In May 1987, Beyers Naude, then General Secretary of the South African Council of Churches, said that some 80 secular organisations had been investigated under the Fundraising Act. In August PW Botha announced in parliament that a joint parliamentary select committee of enquiry would be appointed to investigate the activities and funding of extra-parliamentary groups. Later, in October, the Minister of Justice told the Natal National Party Congress that the government would be introducing new measures to control overseas funding of political groups. The aim of the new measures, he said, would be to close loopholes in the existing laws. (*CT* 14.8.87; *Star/WM* 16.10.87)

There was thus widespread expectation that an attack on foreign funding would be made. The proposed measures, incorporated in the Promotion of Orderly Internal Politics Bill, go further than anticipated. The legislation would empower the Minister of Justice to declare organisations or individuals restricted if they receive money from abroad for activities which the minister believes may endanger public safety and order. All funds received would have to be handed over to a government registrar of restricted organisations. The registrar would

have the power to enter premises and seize any documents during the course of his investigations. If it was decided that the money was intended for political purposes it would either be 'returned to the foreign source or dealt with as determined by the minister'. (*GN* 2.3.88; *BBC* 3.3.88)

Provisions are made in the bill to amend the Fundraising Act in an attempt to tighten control of the collection of contributions from the public and to increase penalties for contravention. Amendments are also made to the Affected Organisations Act 'to facilitate the effective administration of the act' by closing various loopholes. (*BBC* 3.3.88)

Another section of the bill would make it an offence for any person to foment hostility or violence between 'persons of different nationality, cultural or religious groups'. Those found guilty would be liable to a maximum fine of R4,000 or up to two years' imprisonment. The Minister of Justice would further be empowered to identify any display in public of any flag, emblem, mark or slogan which may have the effect of fomenting hostility between groups. (*FT* 2.3.88; *BBC* 3.3.88)

The future of the bill is by no means certain. It has to be considered by a joint committee of the Tricameral Parliament which began to sit on 15 April. This stage is often time-consuming and it could be several months before it becomes law. Moreover, the committee has the power to amend the bill and it may well emerge from this stage in a different form.



# YOUTHS EXECUTED

The South African regime's policy of using the legal system to intimidate its political opponents was stepped up in early 1988 with a series of political executions. The regime prepared for this in February by banning the South African Youth Congress (SAYCO) which had spearheaded the campaign to save the lives of those sentenced to death for offences arising out of political protest and also by restricting the capacity of COSATU and other organisations to campaign on the issue. (See Box in *CURBS ON ORGANISATIONS*)

In just eleven days between 18-29 March the regime planned to execute 21 prisoners including 13 featured on a list compiled by SAYCO. A massive international campaign on behalf of six of these prisoners known as the Sharpeville Six combined with urgent court action by their lawyers resulted in a stay of execution for them. However, political executions were carried out on 18 and 25 March when three youth activists, Tsepo LETSOARE, Michael LUCAS and Mlondoloz Benjamin GXOTHIWE were hanged.

Those struggling to save the lives of condemned prisoners faced many problems even in the case of the Sharpeville Six, the most publicised case. On 14 March their lawyer – in the words of a newspaper – heard 'via the grapevine' that the six, sentenced for the killing of a Lekoa town councillor, were to be executed four days later. At that time he had not received a formal response to the petition for clemency submitted to the State President in January 1988.

News of the date of execution of the Sharpeville Six came while relatives of two of them were in London as part of an international tour to raise support. Julia Moipone Ramashamola, mother of Theresa RAMASHAMOLA, and Joyce Mokhesi, a sister of Francis Don MOKHESI, also travelled to the United States and the Federal Republic of Germany in their campaign. An unprecedented number of countries made appeals on behalf of the six – Mojalefa Reginald SEFATSA, Malebo Reid MOKOENA, Oupa Moses DINISO, and Duma Joshua KHUMALO as well as Ramashamola and Mokhesi. In spite of this, President Botha refused to exercise clemency on their behalf. Newspaper reports attributed this partly to a need to show strong support for prospective councillors in the run-up to elections in October.

However, in the glare of international media attention, the lawyers were successful in obtaining a one month stay of execution to apply for a re-opening of the original trial on account of 'new evidence'.

The grounds for the stay centred on the evidence of a previously unnamed state witness, student Joseph Manete. Even before the original trial Manete had made a statement to a lawyer stating that he was assaulted in police custody and forced to implicate two of the accused; Khumalo and Mokhesi, in the making of petrol bombs. Manete's evidence corroborated the testimony of another unnamed state witness against the other four accused, hence all six were affected by the application.

In the original trial, Judge Human would not allow defence lawyers to cross-examine Manete on his statement saying it was a 'privileged' communication between lawyer and client. However, on 17 March, Human decided that sufficient grounds did exist for a stay of execution. The lawyers were given until

18 April to file their application for the trial to be re-opened. They would then be given a date for the hearing of the application and the execution notice would be temporarily suspended.

Although massive national and international publicity focussed on the Sharpeville Six it was only revealed on 19 March that the Prisons Department had set seven, not six, executions for the previous day. Tsepo Letsoare, a 23-year-old member of the Port Elizabeth Youth Congress (PEYCO) was executed alone.

Letsoare had been in custody for almost three years, first as a detainee under the 1985 State of Emergency, then as an awaiting-trial and convicted prisoner. He was charged with the murder of an alleged police informer. He denied the charge, his defence lawyers arguing that the prosecution witnesses had contradicted each other. However, Justice Mullins sentenced Letsoare to death on the basis of a statement which had been obtained during interrogation, even though he subsequently repudiated it. The relatively short period between conviction and execution – six months – suggests that Letsoare was refused leave to appeal. Nor was there any report of a petition for clemency to the State President.

The following Friday, 25 March, another PEYCO member sentenced in the same month as Letsoare was also sent to his death without publicity or reported protest – Mlondoloz Benjamin Gxothiwe was charged with killing a policeman in December 1985. He was convicted following evidence of identification by a single police witness. Again it seems that the sentence, delivered by Justice Solomon, was never subject to appeal.

Executed alongside Gxothiwe was school student Michael Lucas whose last-minute appeal for a stay of execution was rejected on 24 March. A thousand people attended a service in Cape Town for Lucas on the eve of his execution. (GN 26.3.88)

Lucas came from the Southern Cape township of Bhongolethu, Oudtshoorn, whose people have been stirred to militancy by the abysmal living conditions imposed on them by apartheid. Lucas was convicted of the murder of a bus inspector killed during a bus protest. During 1985 Bhongolethu suffered some of the worst state repression monitored in South Africa: affidavits collected there were published by the Southern African Catholic Bishops Conference. Lucas was a young school student. His exact age was uncertain: he was first said to be 17, but in August last year the court ruled that he was between 20 and 21 years old. Under South African law the death sentence is not mandatory if the accused is under 18 years at the time of the offence. (FOCUS 74 p.6)

Lucas was refused leave to appeal against his conviction and the finding that there were no extenuating circumstances, ultimately, by Acting Chief Justice Rabie. In their last-minute application his lawyers argued that Rabie's appointment was unconstitutional. Rabie was Chief Justice until early last year when he reached the mandatory retirement age of 70. However, instead of retiring, his period of office was extended for a further two years during which he is to be known as 'Acting' Chief Justice. There was a good deal of disquiet in legal circles at the prolongation of Rabie's appointment – he chaired the Commission of Inquiry into Security Legislation which led to the 1982 Internal Security Act. (S.Star 17.1.88; Star 28.3.887)

It was later revealed that two of those executed on 29 March may have been involved in political protest even though their names were not on SAYCO's list. Sipho MOHALA (21) and Lungile REWU (19), from Zwile, Port Elizabeth, were said to have been sentenced for a 'necklacing' committed in 1985 when Rewu

was only 17. 'Necklacing' is often used in the South African press to refer to a death resulting from political protest rather than to describe a method of killing. No details of the trial were reported in the press at the time. (WM 31.3.88)

In the same week the Appeal Court in Bloemfontein rejected an appeal by Robert McBride, an ANC combatant sentenced to death in April 1987 for the murder of three women killed in a bomb blast in Durban in June 1986. McBride was also responsible for the daring escape from hospital of fellow combatant Gordon Webster.

McBride's lawyers thought his appeal had a good chance of success – even one of the assessors in his trial had dissented from the majority decision and found that there were extenuating circumstances. The appeal emphasised the effect of apartheid on his development, conditions in his home area of Wentworth, the impact of the State of Emergency against which he was protesting and the role of an accomplice who had turned state witness. On 31 March, however, the Appeal Court ruled that it could only reverse the trial court's finding on extenuation if there was evidence of misdirection, but that it had found none.

## NEW DEATH SENTENCES

Even as the executions were carried out, new death sentences were handed down. By the end of March, Gilindoda GXEKWA, a member of the Uitenhage Youth Congress, had been sentenced to death three times in three different trials. In at least two cases he was convicted on the basis of statements made under duress.

Gxekwa was first sentenced to death, alone, in August 1987 for killing a suspected police informer in Kwanobuhle in March 1985 in the days following the Uitenhage police massacre. In November he was brought into the Port Elizabeth court with three others – Xolani Moses STUURMAN (25), Vuyani Petrus JACOBS (19) and Monwabisi Milo KINIKINI (19). They were all charged with killing Monwabisi Fanayo, a suspected police informer, in Kwanobuhle in December 1985. Kinikini was subsequently acquitted.

Defence lawyers challenged the admissibility of statements made by Gxekwa and Stuurman, stating that they had been obtained after torture. This was supported by evidence from an independent source – a magistrate to whom Stuurman had complained told the court he kept private notes of Stuurman's allegations on the advice of a superior who warned him that the police would not preserve the document on which he registered the complaints. The magistrate observed injuries on Stuurman's arms and legs and found these consistent with the electric-shock torture he said he had suffered.

Gxekwa, a former school-mate of the dead man, told of being kicked, sjambokked, hooded and tortured with electric shocks before making a statement to a magistrate.

On 22 February Gxekwa, Jacobs and Stuurman were all sentenced to death and refused leave to appeal against both conviction and sentence. (EPH 5/11/13.11.87, 3/10/12/19/20.2.88; WM 26.2.88)

Four residents of Hanover in the Eastern Cape who were convicted of murder in June 1987 were sentenced to death in January 1988 after the Grahamstown Supreme Court rejected defence arguments on extenuating circumstances. They were charged with four others following the stoning of a man in Kwezi, Hanover in December 1985.

The defence led two witnesses in mitigation: United States psychiatrist Professor Michael Simpson testified about the reduction in an individual's responsibility during crowd violence and a professor of psychology, Noel Chabani Manganyi, referred to the violence and



abnormal psycho-social climate in South Africa. During his evidence Professor Simpson placed on record his objection to being 'badgered' by one of the assessors sitting with Justice Le Roux.

Mxolisi NCAPHAYI, Vuzumsi JACK, Samson BOOYSEN and Bennet SONAMZI were all sentenced to death. Ncaphayi, a member of the Hanover Youth Organisation, was said to have played a 'leading role'. Three others, all of whom were under 20 at the time of the incident, were sentenced to 18 years' imprisonment each: Nontlopeko MDOLA, Elvis NELANI and Magi SIYOKO. Richard YEBE was convicted of culpable homicide and sentenced to five years' imprisonment. (*Grocott's Mail* 15.1.88; *CP* 17.1.88; *CT/DD/DN/EPH/Star* 19.1.88)

## COMPLETED TRIALS

### JOYI AND OTHERS

Two self-confessed members of the Pan-Africanist Congress of Azania were sentenced to twelve years' imprisonment each in the Kentson-Sea Regional Court on 11 March after being convicted of 'terrorism' under the Internal Security Act and other charges under the Arms and Ammunition Act. A third man detained with them on 28 July 1987 was imprisoned for five years and six months.

Milton Bayi JOYI (29) and Mkeli Sabelo WILLIAMS (23) both admitted leaving the country and undergoing military training. Joyi left in 1977 and was trained in Yugoslavia, while Williams left in 1985 and went to Libya. Both returned to South Africa with Scorpion machine-guns, hand-grenades and ammunition. They were detained before they had carried out any armed actions.

Tamsanqa Forcus DUMA (31) was convicted of 'terrorism' for hiding suitcases containing

weapons at his Fort Beaufort home. They had been given to him by Williams. (*DD* 11/12.3.88; *CT* 11/14.3.88)

### MAPHUMULO

Sipho Nhlanhla MAPHUMULO (25) was sentenced to eight years' imprisonment by the Durban Regional Court on 12 February after being convicted of 'terrorism' for acting as a recruiter and courier for the ANC. Following a tip-off, Maphumulo was detained in Umlazi in February 1987 allegedly in possession of an AK47 rifle, ammunition and explosives. He was said to have recently returned to South Africa.

Two witnesses, both unnamed, gave evidence against Maphumulo. Witness A was an accomplice of Andrew Zondo who was executed in September 1986 for a limpet mine explosion at the Amanzimtoti shopping centre in December 1985.

Witness B was a policeman who claimed to have infiltrated ANC training camps in Angola after entering a Botswana refugee camp using a false identity document provided by the South African government. He claimed he could identify 600-800 ANC members he had trained with who were now operating in the country. He identified Maphumulo as one of these. Maphumulo was subsequently convicted of undergoing military training sometime between 1984 and 1987. (*DN/Star* 12.2.88; *BBC* 16.2.88; *NN* 18.2.88)

### NDEVU AND OTHERS

A trial in the Humansdorp Regional Court ended on 18 February with the imprisonment of a playwright, a teacher and a schoolboy. Maboy Colin NDEVU (25), Walter Mvuleni NONGENA (30) and Vuyo Mzimkhulu Felix NONGENA (19) first appeared in court in Port Elizabeth in September to face a charge of 'terrorism' and eleven counts related to furthering the aims of the ANC. All the offences were allegedly committed between 1980 and 1987.

The full extent of the state's evidence was not reported in the press but it included statements made by Ndevu and Walter Nongena after their arrest. Both were convicted of 'terrorism' for participating in activities aimed at bringing about political change by violent means.

Ndevu, a Cape Town playwright and former COSAS member, received military and political training in Botswana, Angola and the German Democratic Republic. He left the country after the 1980 schools boycott. On his return to South Africa he operated from De Aar where he bought a vehicle with ANC funds for ferrying firearms and prospective ANC members. He sent four people out of the country for military training. He was also said to have organised street committees in De Aar and photographed a number of strategic buildings including the municipal police offices, the military base and the sports complex. In addition he was convicted of ANC membership and the illegal possession of a Makarov pistol plus ammunition. He was sentenced to fourteen years' imprisonment.

Walter Nongena, a teacher, was sentenced to nine years' imprisonment for what the magistrate described as his 'minor' role in 'terrorism'. He was also convicted of being an ANC member, carrying out an 'errand' outside the country for the organisation and receiving training in the handling of a Makarov pistol.

Vuyo Nongena received an effective two-year prison sentence for the illegal possession of a pistol and ammunition between January 1980 and 31 March 1987. Nongena, a school student from Kwazakhele, was only 11 years old in 1980. He was also said to have assisted Ndevu by hiding clothes. All the accused shouted defiant ANC slogans when sentenced. (*EPH* 2.9.87, 13/19.2.88; *NN* 3.9.87, 18.2.88; *CT/DN/Star* 19.2.88)

## COMMUNITY RESISTANCE TRIALS

In a trial arising out of an incident in June 1985 at the home of Edgar Ngoyi, president of the Eastern Cape UDF, Boy-Boy Michael DICK (19) was sentenced to 14 years' imprisonment for the murder of an Azanian People's Organisation member. In mid-February 1988 Dick pleaded guilty to charges of killing Phakamisa Nogwaza who was said to have thrown a bomb at the home of Ngoyi, whom Dick was guarding.

In a trial last year Ngoyi and another man were acquitted of the murder of Nogwaza. However at the end of the proceedings Ngoyi was detained under the emergency regulations and is still being held. In September the State decided to reopen the case and it may be that the trial of Dick is the outcome of further investigations. (*FOCUS* 70 p.8; *Evening Post* 29.9.87; *WM* 26.2.88)

● Two separate trials both concerning the death of a black policeman, Lulama Simón Bomali, in February 1985 were concluded in the Grahamstown Supreme Court in February 1988.

In a trial which concluded on 2 February, Thembinkosi ADONISI (19) pleaded guilty to the murder of Bomali. In a statement submitted to the court, Adonisi admitted participating in the attack on Bomali and asked that the court take into account the fact that he was only 16 years old at the time of the incident, that he had not played a leading role and that he had been

under the influence of others. The court accepted these extenuating circumstances and sentenced him to 10 years' imprisonment. (*EPH* 3/4.2.88)

In a second trial, emergency detainee Madoda JACOBS (23), a Cradock Youth Association leader was also charged with the murder of Bomali. Jacobs, who made his first court appearance in February 1985, pleaded not guilty.

The court was faced with conflicting versions of events from a state witness and the defendant. When it became clear that the State's case was weak, the prosecution asked that Jacobs be convicted not of murder but of public violence. The court found Jacobs to be a 'singularly impressive witness' and acquitted him.

Minutes after being discharged, Jacobs was taken back into police custody under the terms of the emergency regulations. He had already spent two years in detention immediately prior to the trial. Jacobs has suffered four years of police harassment. In 1984 he was detained with Matthew Goniwe, chair of the Cradock Residents Association, and others, under Section 28 of the Internal Security Act, which allows preventive detention. Having spent three months in detention, he was charged with public violence but acquitted. (*FOCUS* 56 p.4; *DD* 10.2.88; *NN* 11.2.88)

● In a trial in the Pretoria Regional Court Samuel HLONGWANE (22) was charged with the attempted murder of a black policeman by allegedly setting him alight. Few details of the trial were available but it appears that Hlongwane was sentenced to 10 years on 27 January. (*Cit* 28.1.88)

### MINE LABOUR TRIALS

Two union officials appeared in the Klerksdorp Magistrates' Court in March 1988. Their appearance followed the arrest of over 177 members of the National Union of Mineworkers (NUM) including 70 members of the NUM Strike Committee, during the August 1987 wage strike. Charles MAPETSHOWANE (39), chair of the NUM branch at the south shaft of Vaal Reefs gold mine, was sentenced on 4 March to five years' imprisonment after being found guilty of sabotage. He had allegedly urged mineworkers to kill strike-breakers and to damage machinery at the mines in the event of miners being forced back to work. His co-accused, Moses GLADILE, was discharged. Three other miners from the Vaal Reefs mine are currently in Pretoria Central Prison awaiting execution for killing team leaders. (*See FOCUS* 71 p.7) (*Star* 14.8.87; *FOCUS* 75 p.8; *BBC* 9.3.88.)

### APPEAL

● Cyril AFRIKA (28), a minister of the Dutch Reformed Mission Church, and Robert CLAASEN (29) began jail sentences on 5 January. This followed the dismissal of their appeals in the Cape Town Supreme Court and petitions to the Chief Justice against their convictions and sentence. Both men were arrested in October 1985 following the 'Trojan Horse' incident when youths stoning vehicles in Athlone were ambushed by police concealed in boxes on the back of a truck (*see POLICE TRIALS*). In July 1986 they were sentenced to an effective 18 months' imprisonment. (*See Focus* 62 p.5) (*Star* 6.1.88)



# DETENTIONS

The placing of an effective banning order on the Detainees Parents Support Committee (DPSC) and the Detainees Support Committee (DESCOM) on 24 February reflected the fact that their monitoring of repression had succeeded in exposing what the government wished to hide. Although the DPSC was prevented from continuing most of its work, other organisations immediately acted to give voice to its campaigns on behalf of detainees.

National Detainees Day on 12 March, organised every year since 1982 by the DPSC, was this year sponsored by the South African Council of Churches (SACC) and the Southern African Catholic Bishops Conference (SACBC). Meetings were held in all the main urban centres, and the meeting in Johannesburg, held at Regina Mundi church in Soweto, drew over 2,000 people making it the biggest ever meeting to mark the day. (Star 11.3.88; DN 14.3.88)

## 'INDEPENDENCE' THREAT

'Scores' of residents of the Kwandebele bantustan were reported to have been detained during February in a continuing attempt by the authorities to defeat the anti-'independence' campaign (see FOCUS 71 p.4, 72 p.4).

Amongst those detained were four members of the Congress of Traditional Leaders of South Africa (CONTRALESA). The congress, which was launched on 22 September 1987 with traditional leaders from the Kwandebele bantustan playing a major role in its formation, provided an organisational voice for the opposition to 'independence' being imposed on the area. It is affiliated to the UDF. It aims to unite traditional leaders throughout South Africa on the basis of democratic relationships with all sectors of the population and joint action over the demands of communities. (SS 30.9.88; CP 27.9.87; Star 22.1.88)

Although broad-based opposition forced the authorities to shelve plans to impose 'independence' in August 1986, they were determined to proceed with the plans and since then have engaged in sustained repression involving detentions of leaders, activists and residents in the area.

In February the bantustan authorities confronted the traditional leaders opposing 'independence'. On 5 February the Paramount Chief, shortly before he was due to address a meeting of thousands of people, was served with a banning order under the emergency regulations restricting him and his family to his home and prohibiting him from leaving the bantustan, holding press interviews or preparing material for publication. Shortly afterwards at least four chiefs were detained, as well as 'scores' of other opponents of 'independence', presumably under the emergency regulations. A senior magistrate and a former school circuit inspector were amongst those detained. At least 15 traditional leaders fled the area after being summoned to a meeting by the authorities who told them they would be dismissed from their positions if their opposition continued. (NN 11/18.2.88; WM 19.2.88)

Affidavits submitted to the Pretoria Supreme Court in January revealed incidents of violence and torture against people detained in the bantustan during October and November last year. In one, a DPSC worker Frans PATHLANE (33) described being given electric shocks. In another, Johannes MEKITLA (55) said that a

policeman 'took a piece of car tube and covered my nose and mouth. He tied the tube tightly behind my head. [They] commenced questioning me again as to the whereabouts of ... rifles ... I was confused and struggling for breath.' He said that he was beaten, kicked and gagged. (Star 22.1.88)

Responding to other affidavits by reporters of the *Sunday Star* who had witnessed violence and assaults against detainees when they themselves were detained in May last year, Brigadier Lerm, the Commissioner of Police for the bantustan, said that the assaults were 'not serious' and that no policeman had been suspended because 'no one was killed'. (S Star 7.2.88)

## DEATH OF DPSC WORKER

The killers of Sicelo Godfrey DHLOMO (18), shot dead on 24 February shortly after being interrogated about his part in a television documentary on torture, had not been identified by the beginning of April (see FOCUS 75 p.4).

The police have tried to create the impression that he was killed by members of an anti-apartheid organisation with different views from Dhlomo's. But neither these suggestions nor assurances from the Minister of Law and Order that everything would be done to find the

*A statistical review of detention during 1987 was published in February by the Repression Monitoring Group (RMG). It revealed shifting patterns in the use of detention under both the emergency regulations and other laws.*

- **From June 1987 to early 1988 an estimated 4,000 were detained under the emergency regulations.** (RMG 15.2.88)
- **In March, according to figures published just before National Detainees Day, it was estimated that 2,500 people were in detention. Of these, 1,000 were believed to be 'long-term detainees', most of whom had been held for more than a year - they included the entire national leadership of the National Education Crisis Committee (NECC) and key UDF activists.** (NN 10.3.88)
- **Of those in detention at the beginning of March, 234 were children of 17 or under, according to the Minister of Law and Order.** (WM 11.3.88)
- **During 1987, 519 people were detained under the Internal Security Act, according to the Minister of Law and Order, and at least another 286 under laws in force in the 'independent' bantustans, according to the RMG.** (WM 11.3.88; RMG 15.2.88)
- **Women have formed an increasing proportion of those detained. Of the 25,000 detained during the 1986-1987 State of Emergency, approximately 3,000 were women.** (NN 10.3.88)

murderers have succeeded in deflecting suspicions that the police played a part in Dhlomo's death. (Star 28.1.88, 3.2.88; WM 29.1.88)

In February the police offered a R5,000 reward for information leading to the arrest of Dhlomo's killers. Two days later they named two youths as the suspected killers, both of them members of the Azanian Students' Movement (AZASM). However it was revealed by the president of the Azanian People's Organisation (AZAPO) that the two had left the country in 1986, long before Dhlomo's death. (Star 3.2.88; S Trib 7.2.88)

More than 3,000 pupils came from different areas of Soweto to a memorial service for Sicelo

Dhlomo at his school on 4 February. The service was addressed by speakers from the Soweto Students Congress, the DPSC, SACC and Federation of Transvaal Women. It was cut short when the army threatened to enter the school premises - they had surrounded the school with ten military vehicles. Three days later thousands of mourners were turned away from the funeral by police enforcing emergency regulations which restricted the number of mourners to 200. After the funeral police used teargas to disperse a crowd of 400 mourners outside Dhlomo's home. (S/WM 5.2.88, CT/DD 8.2.88)

## ARMED STRUGGLE

At least 20 people referred to in the list of detainees opposite were alleged to be either guerrillas or their supporters. Their detention, in several parts of the country and during a period in which at least 20 incidents of armed struggle were reported in the press, reflects a continuing high level of activity in this sphere. The fact that all but five of them are unnamed illustrates the degree of secrecy with which the police operate in relation to the armed struggle. During 1987, for example, FOCUS recorded the detention of 120 unnamed people alleged to be connected with the armed struggle.

Statistics relating to armed struggle during 1987 were issued by the police in December last year and by the Institute of Strategic Studies of the University of Pretoria in March. The two sets of figures are inconsistent with each other and neither can be independently verified. However, within their limitations they show broad trends consistent with what has been revealed in a more fragmentary way in trials and press reports. Together these sources confirm trends outlined in a review of the armed struggle in FOCUS 72 which noted developments reflecting the adoption by the ANC of the strategy it terms 'people's war'. (FOCUS 72 p.8)

In particular the figures highlight an increase in armed attacks on police and army compared to an earlier emphasis on destroying economic installations and administrative buildings with explosives, when what is termed 'armed propaganda' was the dominant aspect of armed struggle. In the first nine months of 1987 the police said they recorded 81 attacks on police and army, but only 37 during the whole of 1986.

Equally significant was a shift towards the training of guerrillas inside the country and the development of support structures. The police said half the alleged guerrillas they detained (132) or killed (32) during the first nine months of 1987 were trained inside South Africa - 80 were known to have been trained in the country. In addition to the 132 trained combatants said to be arrested, the police said they detained 187 supporters (recruiters, couriers or people otherwise engaged in support of combatants). (FM 11.12.87)

Such sources also indicate that since the middle of 1986 there has been a sharp increase in the number of alleged guerrillas killed by the police, and also the number of police killed. (Indicator South Africa Vol.4 No.4, p.26; FM 1.12.88)

Some of the detentions recorded opposite involved shooting. On occasion people alleged to be guerrillas are killed or injured. Because the only source of information about the circumstances of many such incidents comes from the police or army, it is often unclear whether they were killed in an armed clash with the police or whether they were shot in circumstances which posed no danger to the police or army and amounted to summary execution.



## TRANSKEI BANTUSTAN SHOOTING

Two of the incidents involving deaths occurred in the Transkei bantustan.

● On 27 February Siphiwo Hamlet MAZWAI (30), described in the press as an ANC guerrilla, was shot by bantustan police in what was reported as a shoot-out in Mount Fletcher. However his family only learnt of his death later from a priest, and accused the authorities of deliberately concealing the circumstances surrounding his killing. According to an eye-witness who was not named two suspected guerrillas in a car had tried to escape – one was successful while the other, apparently Mazwai, was killed. Another report said that two men had escaped. Four people were detained in Mount Fletcher following the shooting incident

(see LIST). (DD 3.2.88; CP 14/28.2.88; NN 3.3.88)

● Three people were killed on 5 February when police in a minibus fired into a car behind which they had stopped. The fourth passenger, Thozamile NKUNE, was injured and subsequently held in hospital under police guard. The police said that a passenger had opened the car door as they approached, and was holding a hand-grenade – they had then started firing. They also said they found arms in the car. Nkune, in a statement to his lawyer, said that there were no grenades or arms in the car. Those killed were M K GIFT, allegedly a trained guerrilla; Zolile SANGONI and Zonwabele MAYAPHI. (DD 3/6/8/9/10.2.88)

● Earlier this year Transkei bantustan police shot Sithembele ZOKWE (36). On the basis of

a misleading press report, it was mistakenly reported in FOCUS 73 that Zokwe was killed in August last year in an earlier attempt on his life by bantustan police, who shot him and left him for dead. He survived but was detained again in January in Butterworth.

There have been conflicting reports about the incident. The police said they took Zokwe to his house to search it. They said that while there, he attempted to throw a hand-grenade at the policemen with him although he was handcuffed and was shot. A press report in the *New Nation* quoted local sources suggesting that Zokwe, formerly an ANC member, could have become an informer, and was killed by the police when they thought they could no longer make use of him. (FOCUS 73 p.6; CP 14.2.88; NN 21.1.88)

## DETAINEES — Additional to previous FOCUS lists (Emergency detainees not included)

Approx. date	Place	Name (age)	Details (where known)
Rep.10.1.88	Orange Free State	Eight unnamed people	ISA 29. 2 alleged guerrillas and 6 supporters
Rep.2.2.88	Mt Fletcher	GQOLA, Bafana	TPSA. After shootout in Mt Fletcher on 25.1.88. (See TRANSKEI BANTUSTAN SHOOTING)
Rep.2.2.88	Mt Fletcher	MADINGA, Lundi	
Rep.2.2.88	Mt Fletcher	MANKAYI, Nyakombi	
Rep.2.2.88	Mt Fletcher	MBITYANA, Zolisa	
5.2.88	Umtata	NKUNE, Thozamile	TPSA. Held in hospital under police guard
6.2.88	Umtata	NTIKINCA, Vuma	TPSA. Prisoners' Welfare Prog. While assisting relatives of 3 men shot by police (see TRANSKEI BANTUSTAN SHOOTING)
12.2.88	Western Cape	RAHMAN, Fuad (31)	ISA 29
12.2.88	Umtata	NHANTSI, Rubusana	TPSA S 47. Doctor
29.2.88	KwaThema	MSWELA, Mxolisi (21)	ISA 29. National Organiser, Azanian Students Movement
Rep.29.2.88	East London	NONYUKELA, Msiteli	National Union of Metalworkers (SA), Shop Steward
8.3.88	W Transvaal	Four unnamed people	ISA 29. 2 alleged guerrillas, 2 supporters. Arms seized
Rep.11.3.88	Mdantsane	Two unnamed people	Limpet mine attack, electricity substation, 26.2.88
21.3.88	Cape Town	MOOLMAN, Jurie Hans (22)	ISA 29. In police search for alleged ANC guerrilla
Rep.30.3.88	Venda bantustan	One unnamed person	Gunfight with SADF – 4 guerrillas killed
Rep.31.3.88	Hillbrow	MOKABA, Peter	ISA 29. President, South African Youth Congress
Rep.31.3.88	Cape Town	NGEMTU, Mary (46)	ISA 29. Member, United Women's Congress

### ABBREVIATIONS

Laws: ISA – Internal Security Act; TPSA – Transkei Public Security Act

## KEY ACTIVISTS RESTRICTED

Restriction orders were placed on 18 individuals in February as part of the clamp-down under the State of Emergency. The orders prohibit them from leaving the magisterial districts in which they live, addressing meetings of certain organisations, talking to journalists or preparing material for publication. The Minister for Law and Order declined to name those affected or give the exact terms of each of their restrictions, but some details of 17 are known.

Four of those restricted played prominent roles in attempts to bring peace to KTC squatter camp, outside Cape Town where there has been conflict for some weeks. They are: **Albertina SISULU** (68), long standing activist and co-president of the UDF; (See FOCUS 71 p.3) **Joe MARKS** (52) vice president of the UDF in the Western Cape; (See FOCUS 61 p.3) **Joseph John MARKS** (25), secretary of the Western Cape UDF and is also an active member of the Cape Youth Congress (CAYCO); **Willie HOFMEYR** (33), executive member of the Western Cape UDF, who was banned for five years in 1976 and was detained in May 1987. (See FOCUS 38 p.6)

Three key UDF participants in the talks to resolve the conflict between Inkatha and UDF-affiliates in Natal were restricted. **Archie GUMEDE** (73) is a co-president of the UDF, and has been detained several times in recent years; (See FOCUS 62 p.9) **AS CHETTY** (58), chairs the Natal Midland branch of the UDF and is vice-president of the Natal Indian Congress. He was first banned in 1973, and from 1980 to 1983 was under house arrest. He spent three months in detention in 1986; (See FOCUS 34 p.8) **Simon GQUBULE** (60), a former president of the Methodist Church in Southern

Africa, was restricted to his home from 6pm to 5am. (See FOCUS 51 p.8)

Three workers on the Oudtshoorn community newspaper *Saamstaan*, who recently brought an injunction against local vigilantes who were attacking the local population, were also restricted. At the time of their restriction there were four residents of Oudtshoorn under sentence of death, one of whom, Michael Lucas, was executed on 25 March 1988. (See page 1). **Mbulelo GROOTBOOM** (28) spent a year in detention after the declaration of the 1986 State of Emergency. **Reggie OLIPHANT** (38) is restricted to his home between dusk and dawn. He cannot take part in the activities of the UDF, the Oudtshoorn Youth Congress, the Bhongoletu Civic Association or the Women's Association and Youth Congress there. (See FOCUS 60 p.3) **Derek JACKSON** (28), a UDF local executive member 1984-6, was detained in 1985 and 1986 and is under dusk to dawn house arrest. (See FOCUS 62 p.7)

Four prominent Western Cape activists were released from detention and immediately served with restriction orders. **Zolli MALINDI**, Western Cape UDF vice-president, had been in detention for 14 months. (See FOCUS 61 p.3) **Christmas TINTO**, a former UDF vice-president, was detained for 13 months. (See FOCUS 61 p.3) **Roseberry SONTU**, a former president of CAYCO, had been detained for a year. He is prohibited from CAYCO and UDF activities and is under house arrest between dusk and dawn. **Dorothy ZIHLANGU** (67), Western Cape president of the Federation of South African Women (FEDSAW), was detained for four months. She cannot participate

in the United Women's Congress and FEDSAW and is restricted to her home from 7pm to 6am. (DD/South 25.2.88; BBC 26.2.88; C.P 28.2.88; NN/South 3.3.88)

There were three others known to be restricted. **Rashid SALOOJEE**, vice president of the UDF. He was detained in 1984 and 1986. (See FOCUS 67 p.8) **Jabu NGWENYA** is treasurer of the Release Mandela Campaign, and was a co-ordinator of the Transvaal consumer boycott in 1985. He has been detained on a number of occasions. (See FOCUS 63 p.5) **Azhar CACHALIA**, UDF national treasurer, was previously banned in the early 1980s. He is now prohibited from participating in the activities of the UDF, South African Council of Churches, Lenasia Youth League, Transvaal Indian Congress, Benoni Students Congress, Release Mandela Campaign and the South African Youth Congress. (See FOCUS 70 p.9)

### EARLIER RESTRICTIONS

Others restricted under emergency regulations during the past twelve months include: **Janet CHERRY** of the Port Elizabeth End Conscription Campaign (August '87) (See FOCUS 60 p.3); **Bill JARDINE** of the National Education Crisis Committee (August '87); **Noel WILLIAMS** COSATU vice-president, restricted after release from detention (November '87) (See FOCUS 62 p.7); **Deborah MARAKALLA** of the Detainees' Parents Support Committee (November '87); **14 East Rand Activists** after their release from detention (March '88). (South 6.8.87/24.9.87; NN 12.11.87; WM 11.3.88)



## THIRD YEAR OF RENT BOYCOTTS

Rent boycotts continued in many parts of the country throughout the second half of 1987 despite the renewal of the State of Emergency, the detention of key activists and evictions of rent defaulters, often carried out by Special Constables and troops.

Emergency regulations prohibit unauthorised reports about rent boycotts. Nevertheless a survey of press reports revealed that by the end of 1987 boycotts of varying intensity were still taking place in at least 52 townships across the country. According to government statistics by August rent arrears had accumulated to R267 million since 1986, the bulk owed by tenants in Transvaal townships. (*Star* 13.8.87)

The government's concern about the extent of the boycotts was indicated in the regulations imposed in December 1986 which made it illegal to make, or report a 'subversive statement', including calls for rent boycotts. At the same time 'civil disobedience' was defined to include refusal to pay rents. In addition to these national restrictions, councils applied different tactics in various parts of the country to counter the boycotts. In some townships there were selective evictions of known activists, in others there were repeated and more widespread evictions. (*FOCUS* 69 p.1; *SASPU National Dec* 1987)

In early 1988 there were signs that a more co-ordinated government strategy was emerging, aimed at ending the boycotts before local government elections scheduled for October. The Standing Committee on Constitutional Affairs (directly accountable to the State President) was looking at ways of ending the boycott. (*NN* 11.2.88; *WM* 12.2.88)

At the same time a renewed initiative was

launched to sell council houses to tenants. In some areas members of the South African Defence Force were deployed to promote sales. In many townships, but particularly in Soweto, troops and Special Constables accompanied council rent collectors, some of whom wore masks to avoid identification. (*S* 3.7.87; *Star* 25.9.87, 20.11.87; *CP* 31.1.88)

Amendments to the emergency regulations in February restricted the Soweto Civic Association (SCA), the Cradock Resident's Association and the Vaal Civic Association - organisations centrally involved in the boycotts in their areas. Restrictions on COSATU had as one of their objectives the curtailing of the involvement of area-based shop-steward committees in the rent boycotts. (*See CURB ON ORGANISATIONS*)

The government has also introduced in parliament the Local Government Affairs Amendment Bill which if passed will compel employers to deduct rent arrears from the salaries of their workers. It would also tighten the powers of councils to evict tenants. Similar initiatives have been proposed in the past, but have been dropped in the face of resistance from employers who were afraid that they would trigger shop-floor action. However, there are indications that this time the government is more confident of pushing through the bill because they will be armed with new powers proposed in the Labour Relations Amendment Bill, also before the current parliamentary session. It seeks to severely restrict the right to strike and to confine union concerns to 'shop floor' issues. This would restrict COSATU's ability to protest at the Local Government Bill or actions flowing from it as could the new emer-

gency regulations restricting COSATU.

Communities strongly resisted evictions in the second half of 1987. In Soweto, groups repossessed houses from which tenants had been evicted. In Tembisa residents staged a one-day stay-away in October, in protest against evictions. In several other townships there were demonstrations. In February, Special Constables fired on a crowd of demonstrators who had marched on a rent office in White City, Jabavu (Soweto) to protest at evictions. (*S* 4.8/16.10.87; *Star* 18.2.88)

Resistance to evictions has been most intense in Soweto where a strong network of street committees survived the imposition of the second State of Emergency in June 1986. Their influence was so marked that the Soweto town clerk was forced to negotiate directly with their representatives in August 1987. Meeting in February the SCA, to which some street committees are affiliated, reformulated its demands to reinvigorate boycotts and give them new direction. It resolved to demand from the Council that tenants who had occupied a house and paid rent for 15 years should be given their houses. The resolution reflects a widely-held view in townships, that long-term rent-paying tenants have paid for their homes many times over. The SCA also resolved that tenants with less than 15 years occupancy should be allowed to purchase their properties. The SCA also adopted a new strategy: residents would continue to withhold rents as a form of political protest. They would however resume paying site and service charges, but at reasonable rates determined and fixed by an SCA survey of similar charges in White and Coloured areas. (*SS* 19.8.87; *WM* 12.2.88)

## POLICE VIOLENCE EXPOSED IN TRIALS

Trials of police accused of assaults and other violent actions, and inquests and court applications by township residents seeking orders restraining police attacks, provide a continuing indication of the brutal and violent methods of police in the suppression of resistance. (*See FOCUS* 76 p.4)

### 'TROJAN HORSE' INQUEST

On 17 October 1985 police hidden in wooden crates on the back of a lorry driving through Athlone in the Cape, fired on youths who allegedly threw stones at the truck. Michael MIRANDA (11), an onlooker, Shaun MAJMOET (16), who was inside his home, and Jan CLASSE (21) were shot dead while 10 other people were injured. At the inquest, which was recently concluded, police argued that they set the ambush because patrols had proved inefficient in curbing stone-throwing. (*FT* 17.10.85; *DD* 18.10.85)

Western Cape Commissioner of Police, Attie Laubscher, stated that 'the fact is that they [youth] are committing crime and we will use any method to combat them... If a policeman's life is threatened he will shoot to kill'. A representative of the Ministry of Law and Order at the inquest maintained that police were justified in shooting stone-throwers: 'It was not only right, but their duty. It was totally naive to think that warnings would have been effective'. (*WM* 18.10.85, 19.2.88)

The court found police evidence unreliable. The magistrate dismissed as exaggeration police allegations that all the 200 people on the scene were carrying stones. They intended 'to teach the public a lesson' so that in future they would not throw stones at private vehicles. The court also found that Lieutenant Douw Vermeulen, the commanding officer, fired seven shots without warning. Thirty-nine rounds of

ammunition were fired during the operation. The court found that police evidence was inconsistent with that which they gave in the public violence trials arising from the same incident. It also did not match evidence from videos of the scene recorded by CBS and the BBC. (*South* 11.2.88; *Star/WM* 4.3.88)

The court concluded that there was no evidence to show that Classe and Miranda, who was shot in the back, had thrown stones. Nine police were found responsible for the death of the three youths and injury to ten others. Negligence by Vermeulen played an important role. There was no indication that those involved would be prosecuted for their conduct. (*WM* 19.2.88; *DN* 4.3.88)

### KAKAMAS KILLING

Roseline CLOETE (4) and Michael JULIES (13) were shot and killed and 14 people were injured by police on 13 February 1988 at Kakamas in the Northern Cape. According to eye witnesses, police who came to search a home hit one of the occupants with a rifle butt. Onlookers were told to leave the scene. One of them, whom the police considered too slow in moving away, was fired at with a teargas canister. Police then opened fire on the onlookers, without warning. Jan Van Eck, an independent MP, visited the scene and found no stones to show that there was stone-throwing as police alleged. The Government refused to set up a commission of inquiry. In view of this, Lawyers for Human Rights set up an independent commission of inquiry into the deaths of the two youths. The commission was scheduled to start work on 9 March. (*Star* 24/28.2.88; *CT* 26.2/9.3.88)

These inquests and trials, as well as independent studies, reveal that police control of resistance relies a great deal on the use of lethal or

potentially lethal weapons. Lawyer Nicholas Haysom, in a report published in the *South African Journal Human Rights*, maintained that teargas is used indiscriminately, recklessly and dangerously. He referred to the case of two-month-old Tracia NDLOVU who died following the discharge of a teargas canister into her house. Despite such evidence police refused to accept that teargas is potentially lethal. Haysom argued that there is insufficient legal restraint on the use of deadly weapons, and cast doubt on the adequacy of police training in crowd control. Police, he said, had been negligent in the way they conduct themselves in their duties. (*Star* 23.11.87; *FOCUS* 74 p.8)

### SPECIAL CONSTABLES

There are at least 4,000 trained auxiliary Special Constables or 'kitskonstabels', who are given a mere six weeks' training. In the view of Brigadier Leon Mellet, 99 per cent of them have done excellent work and they have played a 'magnificent role in combatting crime'.

This view is not shared by members of communities in which these constables operate. In October 1987 the University of Cape Town's Institute of Criminology found that 80 per cent of the people in Oudtshoorn felt they were badly treated by Special Constables; only two per cent felt they were treated well. Seventy-seven per cent had seen Special Constables drunk on duty, swearing and assaulting residents for no apparent reason. Seventy per cent had seen them engaging in aggressive behaviour such as pushing people around. Forty-eight per cent had seen them pointing guns at people and 56 per cent had personal complaints against them. The force was seen as a body deliberately set up to strike fear into the community through acts of intimidation. (*Ind* 17.2.88; *Star* 22.1.88)



# namibia

# LANDMARK IN RESISTANCE TO CONSCRIPTION

A national campaign against military conscription was launched in February by a broad front of Namibian organisations. They met in Khorixas in the Damaraland bantustan at a symposium, hosted by the Damara Youth Council.

The organisations included the Ai-Gams grouping, the Council of Churches in Namibia (CCN), Christian Democratic Action, the South West Africa National Union (SWANU-Progressives), Namibian Women's Voice the Namibian National Students' Organisation (NANSO) as well as to the Khorixas branch of SWAPO and an opposition group called Namibia Peace Plan 435. They agreed to draft a programme of common action and to reconvene within three months to table it. (*Nam* 5.2.88)

Since 1980, in terms of Proclamation 198, military service has been compulsory for all Namibian males from the year they turn 18. Those resident in the Kavango and Ovambo bantustans were however generally excluded from the conscription process. The official explanation is that battalions are up to strength in those areas. A more likely reason is that strong local support for SWAPO would generate resistance to the call-up.

Although administrative aspects of conscription fall nominally under the South African-installed administration, the control and command of the South West Africa Territory Force falls directly under the South African Defence Force in Pretoria.

While South African conscripts can apply to do alternative service instead of military service in terms of the country's Defence Act (albeit under highly restrictive religious criteria), these

provisions do not apply in Namibia. The position of conscientious objectors in the territory rests with the registration officer appointed by the administration whose only criterion in determining whether an objector qualifies is if 'in his opinion [the objector] belongs to a denomination whose members cannot participate in active combat'. (*WO* 6.2.88)

In practice he has ruled against both religious and political conscientious objectors, and several objectors have challenged his rulings in the courts. A ruling in the trial of Rashid Rooinasie, a Muslim charged with refusing to heed his call-up, is still pending after the case was referred to the Attorney-General in March 1987. Rooinasie argued that participating in an apartheid army would conflict with his Islamic religious conscience.

## COURTS ENFORCE CONSCRIPTION

In March the Bloemfontein Appeal Court ruled against an application by political objector Erick Binga to have his call-up papers invalidated. The case was first heard in Windhoek in 1983. He applied for exemption on the basis of his support for SWAPO and the illegality of the South African occupation of Namibia. His defence argued that the international mandate granted to Pretoria to administer the territory specifically prohibited the conscription of the indigenous population. Binga's lawyers argued that the South African parliament in giving the State President powers to make legislation in Namibia, did not intend that these should conflict with obligations under the mandate. In their view his call-up orders had no legal basis. (*WM* 17.7.87; *WA* 20.11.87)

A full bench of the Appeal Court ruled that there was no reference to South Africa's in-

ternational obligations under the mandate in the South West Africa Constitution Act passed by the South African parliament. In terms of the Act the State President was empowered to make laws for Namibia, including the 1980 Proclamation on conscription. Therefore the question of the mandate did not arise. Binga's application was dismissed with costs. (*WA/Nam* 25.3.88)

In a related case an application by two SWAPO supporters for exemption from service dating back to January 1987 was rejected by the Windhoek Supreme Court in February. Alfons KOTJIPATI (23) and Edward AMPORO (21) both argued that they were morally incapable of fighting against SWAPO soldiers. They also argued that South Africa's occupation of Namibia was illegal, along similar lines to the arguments in the Binga case. In a later motion before the court the two argued that their call-up notices were also in conflict with the South African-installed administration's Bill of Fundamental Rights. (*FOCUS* 70 p.4; *WA* 3.2.88; *Nam/WM* 5.2.88)

The judge found that in terms of a previous Supreme Court ruling 'an existing law which restricted a fundamental right remained in effect even after the Bill of Fundamental Rights was accepted'. The South African Defence Act was therefore not affected by the Bill of Rights. In terms of the Act there were no grounds to exempt the two. (*FOCUS* 70 p.4; *WA* 3.2.88; *Nam/WM* 5.2.88)

As in previous years there were signs of resistance to conscription during the annual call-up in January. This followed a series of statements and meetings by opposition organisations rejecting conscription into the SADF. (*WA* 25.7.87, 27.1.88; *Nam* 15.1.88; *CCN Information* 19.1.88)

## EDUCATION CONFLICTS DEEPEN

At least 15 Namibian students were injured when armed police stormed onto the campus of the Academy for tertiary education in Windhoek on 2 March to break up a student demonstration. About 100 students were demanding an end to Afrikaans as a medium of instruction at the institution. Afrikaans-medium instruction is one of many issues which have been a source of conflict at Namibian schools and educational institutions over the past few years. (See *FOCUS* 69 p. 11, 71 p. 10, 74 p. 10)

The demonstration followed a mass meeting to discuss a resolution by the Student Representative Council calling for all subjects to be taught in English. Students at the meeting called a class boycott after the rector rejected the call. The students gathered in front of the main lecture hall and refused to disperse.

The Police Task Force, a militarised unit based in Windhoek, was brought onto the campus at the request of the rector. Armed with shot-guns, the police advanced on the demonstrators, fired a volley of rubber bullets and then chased the fleeing students, assaulting them with sjamboks. (*WA* 3.3.88; *WM/Nam* 4.3.88)

One student, Charles TUBALIKE, said that he had been bundled into a police vehicle

where he was beaten and whipped and then left unconscious on the outskirts of Windhoek. (*Nam* 4.3.88)

The attack was strongly condemned by the SWAPO Youth League and four Namibian trade unions aligned to the National Union of Namibian Workers (NUNW). The unions issued a joint statement assuring the students of 'solidarity and support for their struggle'. (*Nam* 4/11.3.88)

## NANSO

The Namibian National Students Organisation (NANSO), which was active in the Academy protests, has been leading a national campaign against Afrikaans-medium instruction since the formation of the organisation in 1984. As a result of pressure, some schools controlled by the Department of National Education switched to English-medium instruction this year. (*Star* 15.2.88)

The language issue was one of many discussed at a NANSO consultative conference held in Okahandja north of Windhoek in January this year. More than 200 students from schools and other institutions around Namibia, as well as Namibians studying in South Africa,

attended the gathering. Participants were especially concerned about interference by the South African armed forces in schools, and declared that 1988 would be the 'Year of Decisive Action Against Militarisation'. The organisation called for the removal of army bases located near to schools in the north, for a national campaign against conscription, and for the independence of Namibia under UN resolution 435. (*WA* 18.1.88; *Nam* 22.1.88; *WO* 30.1.88)

A similar stand against conscription and the para-military cadets system in schools was adopted by the Vaalgras Youth Association at its annual congress at the end of last year. (*WA* 6.1.88; *Nam* 8.1.88)

## INEQUALITIES

Army interference in schools was given as one of the reasons for a further drop in examination pass rates at black secondary schools in 1987, along with continuing inequalities in funding, and shortages of qualified teachers, equipment and classrooms. Less than a third of pupils passed the matriculation exam which marks the end of secondary schooling; in contrast, in schools controlled by the Administration for Whites the pass rate was over 90 per cent.

# MASS DETENTIONS: DETAINEE DIES

In January the armed forces in northern Namibia carried out a series of mass detentions, allegedly of people involved in the activities of the People's Liberation Army of Namibia (PLAN), SWAPO's armed wing. Detentions continued into the following month and many of those held remained in custody in March. As is usually the case in Namibia it was difficult to get confirmation of the details – either as to where the detainees were being held, under what law they were detained or whether they were being held by police or army. Church sources provided the most comprehensive information, from which, together with press reports, the list below has been compiled. It is essential to stress that the list is only partial. The situation in Namibia is such that detainees can be held for years without any confirmation of their fate. A report in the February issue of *CCN Information* the bulletin of the Council of Churches in Namibia bulletin, included a list of current detainees some of whom had been held since 1978.

At least 45 people were picked up in what officials of the regime described as a 'joint operation' by police and army. The detainees were held under various regulations including Proclamation AG9 of 1977. Some reports linked those held with acts of sabotage and the Attorney-General was said to be considering at least four dossiers with a view to prosecution. However, by early April no-one had been charged.

A number of organisations protesting about the detentions expressed concern for the safety of the detainees. Their fears were confirmed with the news that a youth worker had died while in custody (See *DEATH IN DETENTION* below). Again, information on conditions was sketchy but a compilation of reports from official sources as well as the experiences of former detainees gives some idea of conditions.

A former detainee, Thomas IPITO, who was held at the Osire detention camp, described the regime there as 'tough' and 'designed to break down the detainee psychologically'. Ipito seems to have been held in connection with a common-law offence but was detained under Proclamation AG9 and questioned about meetings at the Katutura compound which was demolished in October 1987. (*FOCUS* 75 p.10) It was alleged that he had helped people leave the country illegally. He was held in a 'zinc cage', deprived of all reading matter, even the Bible, and allowed no clothes other than underpants. At times food was also withheld in an attempt to get him to give information. All meals were eaten by the detainees in their cells – beginning with a bowl of water at 6am and the final meal of the day at 5pm. They were allowed no exercise but were taken out daily at 3pm for a shower. He reported suffering from intense heat in the cage and from a lack of exercise during his two-month detention. While at Osire he saw a number of detainees including Jason ANGULA, the SWAPO Secretary for Labour, who was detained in October. Also there was Nathaniel SHIKONGO who was abducted from Onandjokwe Hospital in March 1987. (See *FOCUS* 70 p.3, *Nam* 18.3.88)

Conditions at Oniimwandi Prison, Oshakati, were exposed in a statement issued by the Evangelical Lutheran Church in Namibia in early March. Released detainees reported having been held initially in a tent before being put into solitary confinement. A loudspeaker installed in the tent broadcast the sound of detainees being interrogated and tortured. A staff officer at Sector 10 headquarters in Oshakati confirmed in February that the SADF had 'cages for SWAPO terrorists' at Oshakati. (*Nam* 19.2.88)

When last heard of, Joseph DUMENI was

detained at the Koevoet base at Oniimwandi. Dumeni was badly assaulted and taken from his home by Koevoet police on 17 December. His captors accused him of being a SWAPO combatant. On 24 December his wife was told at Oniimwandi that he was 'all right' but that she could not see him. Since then the authorities have denied they were holding him. (*Nam* 29.1.88)

At least four detainees were held at the Ondangua Police Station, as confirmed by a reporter on *The Namibian* newspaper who was detained briefly on 14/15 March. (*Nam* 18.2.88)

## DEATH IN DETENTION

Fears for the safety of all detainees rose in early March with the announcement that Ignatius NAMBONDI (29) of Oshikushashipya had died in custody on 24 February. Nambondi, a teacher by profession, was employed as a youth worker at the Roman Catholic mission at Oshikuku and was a member of the Namibian Catholic Youth League (NACAYUL).

A lawyer for Nambondi's family stated that he had been detained on 9 February under Proclamation AG9. He was said to have been

severely assaulted by Koevoet before being taken away. On 24 February, according to police sources, he was found hanging in his cell at Oshakati police station. The following Tuesday, 1 March, a post mortem was carried out in the presence of Professor Schwar of Cape Town, who observed it on behalf of Nambondi's family. No immediate results were available, nor was a date set for an inquest.

Police declined to give any further details but the official appointed as 'Minister for Justice' in the South African administration in Namibia said that according to his information Nambondi had first cut his trousers into strips and then hanged himself. He attempted to link what he called Nambondi's 'suicide' to his having heard about the bomb blast at the Oshakati bank on 19 February. (See article *opposite*; *Nam* 4/11.3.88; SS 9.3.88)

## DETAINEE SHOT BY POLICE

May 4, 1988 marked ten years since the SADF killed some 700 people and abducted over one hundred others during a raid on a SWAPO refugee camp at Kassinga.

An inquest in November into the death of a

## DETAINEES — Additional to previous FOCUS lists

Date	Name (Age)	Details (where known)
29.6.85	ASHIPALA, Amutenya	
26.3.87	LEVI, Protasius (20+)	From Gobabis
3.7.87	SHIKESHO, Abner	
22.7.87	MUNDJANIMA, Matteus (40)	Truckdriver from Windhoek. Held at Osire
22.7.87	NGHIFIKWA, Stefanus	
4.9.87	SHIKONGO, Sakeus	
18.9.87	AMUKUHU, Mutumbulwa (38)	
3.12.87	MUPOLO, Shipandeni	
17.12.87	DUMENI, Joseph	Lutheran Church, Engela. Assaulted by Koevoet
Jan.88	HAIPITO, Jafet	
Jan.88	LUCAS, Elia	
Jan.88	MUKAWE, Mwahafa Elia	AG 9. From Ohausholo
Jan.88	MULYAU, Albine	AG 9. From Epembe
Jan.88	NGHIPUNYA, Paulus	From Oshiyandja
Jan.88	SHINGAYAMWE, Johannes	
Jan.88	UUTONI, Otto	
14.1.88	KAMULU, Gideon	AG 9. Ogongo businessman. Assaulted
14.1.88	UUTONI, Ananias	Assaulted by Koevoet. Rel. 17.2.88
17.1.88	MWEETAKO, Haili	From Oyongo
19.1.88	ERIKI (ERRKI), Moses	AG 9. From Omuthiya
19.1.88	KAAPANDA, Rev Junius (55)	Pastor, Tshandi Lutheran Church. Rel. 7.3.88
19.1.88	KATOFA, Josef	AG 9. Former detainee. Rel. 12.2.88
19.1.88	KAPULA, Julius	AG 9. From Odibo
19.1.88	NEKONGO, Johannes	Labourer
19.1.88	NGHIPUNYA, Simon	AG 9. From Eenhana
19.1.88	SHIKOMBA, Jason (late 30's)	AG 9. Oshimwaku Combined School principal
20.1.88	ABRAHAM, Ndelefini	AG 9
20.1.88	AMADHILA, Paulus (43)	Etalaleko school principal. Rel. 7.3.88
20.1.88	DUMENI, Sem	AG 9. Ohaikonda school principal. Rel. 7.3.88
20.1.88	HAIKONDA, David Hashipala	From Katambula
20.1.88	HERMAN, Kandenga (Katenga)	AG 9. Teacher, Eengedjo, nr Omungwelume
20.1.88	MATONGO, Linus	
20.1.88	NAMWANDI, Daniel Israel	Driver for Anglican Diocese, Odibo
20.1.88	NDATYAPO, Nathaniel Stephanus	AG 9. Handyman, driver at Odibo Mission
20.1.88	NGHIPANDULWA, Lukas	AG 9. From Okakwa. Teacher, Ponofi Sec. School
20.1.88	SHILILIFA, Heikki (50)	AG 9. Teacher. Former political prisoner
20.1.88	SHIVOLO, Immanuel	AG 9. CDM employee from Okando
20.1.88	SHIVUTE, Shipingana	From Uukwaludhi
20.1.88	UUSIKU, Salomo	AG 9. From Okando
21.1.88	HAINGHUMBI, Fanuel	
21.1.88	MALUMO, Thaddeus	SWAPO branch vice-chair. Rel. 19.2.88
21.1.88	NGHIYALAHAMBA, Ndipala (60)	Odibo Anglican Mission. Rel. 3.2.88
21.1.88	SHIVUTE, Andreas (48)	Principal, Amtanga Combined School
24.1.88	SAKARIA, Paulina	
24.1.88	SHINANA, Armus	
24.1.88	SHIPUFA, Asser	
29.1.88	NGHEDE, Henry	
1.2.88	TWO UNNAMED PEOPLE	After sabotage of Windhoek rail line
8.3.88	ITEMBU, Sebulon	From Uukwaludhi. Assaulted by Koevoet



former Kassinga detainee, Filemon NIKODEMUS (also Nicodemus FILLEMON), ruled that he and a companion were shot dead by two Koevoet officers shortly after being detained on 10 July 1985. The inquest revealed further details of summary execution of civilians by Koevoet members who may then pass off the murders as 'deaths in combat'. This was not Nikodemus' first arrest since his release from Mariental in October 1984. In February 1985 he was acquitted of attempting to leave the country without permission. It was said that he carried his detention discharge papers with him and that this identified him to his murderers. On the occasion of his final detention he was held with Petrus SAKARIA (27), a labourer employed in Windhoek who was on a visit to his mother. The men were picked up at Ombanene in the west of the Ovambo bantustan by a combat unit under Sergeant L M Lotz which was normally based at Opuwo in the adjoining Kaokoland bantustan.

Lotz and Sgt P D Bouwer were both found criminally liable for the deaths of the two men. Together with a third Koevoet member they constantly contradicted each other in their versions of events. It was established that after their detention the men were taken, blindfolded and handcuffed, to a joint Koevoet and Security Police base at Ombalantu. Lotz and Bouwer claimed that the detainees admitted, after only a brief period of interrogation, that they had hidden arms nearby. They then took the men to the supposed hiding place, after first making sure that no black members of Koevoet went with them.

It was further alleged that Nikodemus, while pretending to 'point out' hidden weapons, managed to dig up a pistol and fire at Sgt Lotz. Both detainees were then shot dead. The police claim that they found an AK47 machine gun as well as a pistol at the site was not supported by other evidence - a Special Constable denied that they had returned to Ombalantu with any arms. Lotz claimed he had handed the weapons over at Opuwo but there was no supporting documentation. He said that confiscated weapons were normally re-issued to Koevoet members for use in follow-up operations.

Another constable testified to seeing Lotz and Bouwer leave Ombalantu with the detainees and return without them. He overheard Lotz radio to Oshakati that he had killed 'two insurgents'. He was told by Lotz to dispose of the bodies but he asked others to do this for him. In evidence Lotz remembered telling a sergeant at Ombalantu to 'burn the corpses'. In fact the men were buried. There was no investigation or inquest at the time but in April 1986 their bodies were exhumed in the presence of the State Pathologist. No details emerged at the inquest as to who had instigated the inquiry. Sakaria's mother identified his body by a string of beads in SWAPO colours. One of the men had suffered a broken rib and other fractures caused by violence. One skull revealed a hole where a bullet had entered and another where it had exited.

It emerged in evidence that a number of black members of Koevoet were rewarded with R50 each following the murder of the men: the regular *Koppeld* payment made for the capture or death of a PLAN combatant.

Magistrate G B Van Pletzen presided over the inquest in the Ondangua Magistrates' Court in mid-November. After finding Lotz and Bouwer criminally liable for the deaths of the two men he referred documents on the case to the Attorney-General for a decision regarding prosecution. In late March, before any decision had been made, it was reported that Lotz had left the country to avoid charges. He was rumoured to have joined UNITA or gone to Zimbabwe. (Nam 20.11.87, 1.4.88; WO 28.11.87)

## BOMB BLAMED ON PRETORIA

Twenty-seven Namibians were killed and at least 30 injured when a bomb exploded in a branch of the First National Bank in the northern Namibian town of Oshakati on 19 February.

The South African authorities immediately blamed SWAPO for the atrocity, but most local residents held South African agents responsible. Bishop Kleopas Dumeni, head of the Evangelical Lutheran Church in Namibia, whose daughter was killed in the blast, stated that South Africa had 'a part in this act in either a direct or indirect way'. Similar views were expressed by the General Secretary of the Council of Churches, Abisai Shejavali, who listed other bombings apparently carried out by the South African occupation forces. (Nam 26.2.88)

The bank was crowded with customers at the time of the blast, and almost all the victims were black Namibians. Army and police personnel fired teargas at people assisting victims of the blast, and Oshakati was sealed off with roadblocks. Many of the injured were treated at Oshakati hospital, and an interruption to the power supply there on the night of the blast was regarded by local people as a further South African act of sabotage. A spokesman for the Ovambo bantustan administration, citing eye witnesses, said that the bomb had been placed

in the bank by two white men who had left a suspicious parcel on the counter, and suggested that they were South African agents. (Nam 26.2.88)

The South African Air Force bombed two Angolan towns shortly after the blast, killing hundreds of Angolan civilians. The air raids were described by the SADF as 'retaliatory attacks' on SWAPO bases. The act of 'retaliation' was then offered as proof that the South African authorities could not have been responsible for the Oshakati blast. (Nam 26.2.88)

## FUNERAL

Most of the victims were buried at a mass funeral attended by thousands of mourners, where the South African regime was again accused of the massacre. SWAPO president Sam Nujoma released a message of condolence. 'The Namibian people are once again plunged into national mourning of victims of yet another dastardly act of cold-blooded mass murder', he said, citing the Kassinga massacre of Namibian refugees in 1978, a massacre at Oshikuku in 1980 and bombings of church property at Oniipa and Omulukilia. (Nam 4.3.88; Star 5.3.88)

## BOTHA STOPS TRIAL

Shortly after he had refused to grant clemency to the Sharpeville Six in South Africa (see *YOUTHS EXECUTED*), P W Botha intervened to stop the trial in Windhoek of six South African soldiers accused of murdering SWAPO leader Immanuel Shifidi. Botha halted the trial by invoking Section 103 of the Defence Act which indemnifies police and soldiers from criminal prosecution if they are deemed to have acted 'in good faith' for 'the suppression of terrorism in an operational area'.

This is the second time in which Botha has intervened in this way in a Namibian Supreme Court case. In 1986 he stopped the trial of four soldiers accused of beating to death Frans Uapota in northern Namibia. (FOCUS 67 p.10; Ind 23.3.88)

The soldiers on trial included four senior officers, Colonel JH Vorster of South West Africa Territory Force (SWATF) headquarters in Windhoek, Colonel WH Welgemoed, who commands 101 Battalion at Ondangua in northern Namibia, Commandant AJ Botes of SWATF headquarters and Lieutenant NJ Prinsloo of 101 Battalion.

The trial arose from the inquest into Shifidi's

death where it was disclosed that more than 50 members of 101 Battalion had been ferried from Ondangua to Windhoek with instructions from senior officers to disrupt a SWAPO rally. The soldiers, dressed in civilian clothes and armed with bows and arrows, clubs and knives, infiltrated the rally and attacked SWAPO supporters. Immanuel Shifidi, a SWAPO veteran who was imprisoned for 18 years on Robben Island was stabbed to death. (FOCUS 69 p.11, 72 p.11)

The granting of immunity to the officers and men apparently involved in Shifidi's murder was widely condemned by Namibian organisations. The chairman of the General Council of the Bar in South West Africa said: 'It creates the impression that two standards of obedience to justice exist - one for the ordinary citizen and another for members of the security forces of the state.' The validity of Botha's intervention is being challenged in a court appeal by Hilda Shifidi, daughter of the dead man, on the grounds that an attack on a peaceful and legal meeting could not conceivably be regarded as 'combating terrorism in an operational area'. (DD 26.3.88; Star 31.3.88)

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# ANGOLA FIGHTS OFF INVASION

The South African Defence Force (SADF) met strong resistance in the first three months of 1988 as it attempted to extend its invasion of Angola and open new fronts up to 600 kilometres into Angolan territory. By the end of March 9,000 South African soldiers were occupying southern Angola, concentrated around the besieged town of Cuito Cuanavale in Cuando Cubango province.

## MOTORISED COLUMNS

Having failed in three attempts to take Cuito Cuanavale, SADF motorised columns fanned out through Cunene province in the south, while joint UNITA/SADF forces infiltrated northwards to attack towns along the Benguela railroad in early March. The offensives were accompanied by bombing strikes by South African aircraft, including an attack on the city of Lubango. Seventy bombing raids were carried out between November and February. (Angop 10.2.88)

The South African invasion began in earnest in September last year when South African troops, mainly from the 32 Battalion, were moved into Cuando Cubango province to stop an Angolan advance on UNITA. After initially taking heavy casualties, the SADF brought in more troops from Namibian and South African regular units, supported by heavy artillery and air cover, and drove the Angolan forces back across the Lomba river. (FOCUS 74 p 12)

The SADF offensive ground to a halt ten kilometres east of Cuito Cuanavale. To reduce the high level of white troop casualties, which has caused concern amongst white South Africans, the SADF resorted increasingly to long-range artillery bombardment and bombing by the air force, while more black troops were deployed in the front line. (FOCUS 75 p 12)

## BOMBARDMENT

Cuito Cuanavale was subjected to a relentless bombardment, which destroyed the town, but South African troops were unable to break through. Many aircraft were shot down, including Mirage jets, and by the end of February the official South African death toll had risen to 40. The Angolan government stated that at least 230 South African soldiers had been killed, and 41 aircraft and 44 vehicles and armoured cars had been destroyed by the beginning of February. Angolan deaths were 242, and they had suffered more extensive equipment losses, with the exception of aircraft. (Angop 6.2.88; FT 29.2.88)

Reinforcements of at least 1,000 troops were moved into Cuando Cubango province in early February, and after an intense bombardment, an assault on Cuito Cuanavale took place on 14 February. The South Africans were driven back, losing 60 troops and a number of vehicles. According to the Angolan government, the SADF was determined to take the town and its airfield to facilitate UNITA operations further north. (Angop 22.2.88)

The SADF attempted to cut Angolan supply lines to the besieged town by bombing convoys on the Menogue-Cuito Cuanavale road and by destroying strategic bridges. In March efforts were made to establish a foothold in areas to the west of Cuito Cuanavale, when South African troop reinforcements were brought into Cunene province.

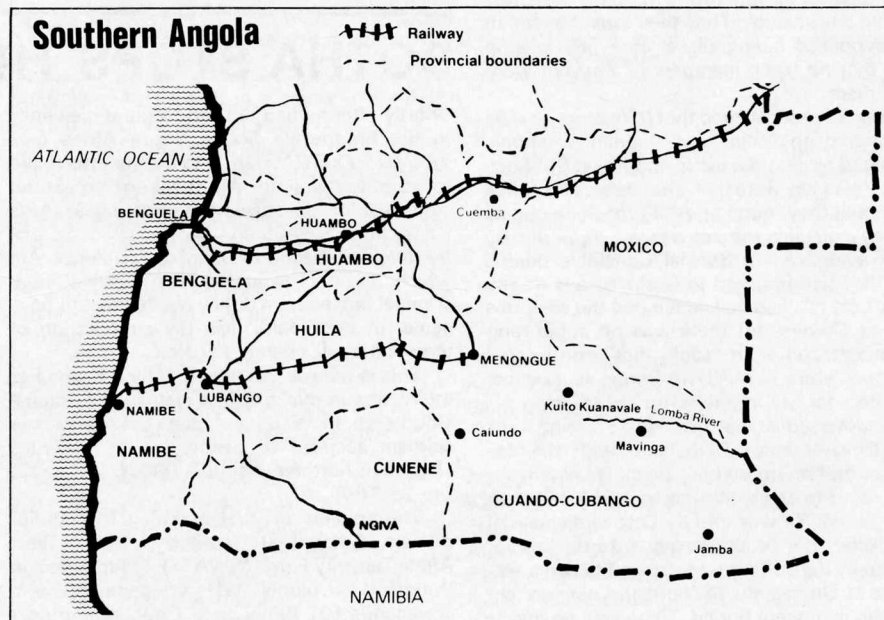
## BENGUELA RAILWAY

Joint UNITA-SADF forces stepped up harrying operations along the Benguela railroad, some 400 kilometres north of Cuito Cuanavale. According to Angolan sources, a major battle was fought around the town of Cuemba in the first week of March. The long-term objective could be to connect the invading forces in the south

with UNITA groups operating in the far north of Angola, which are supplied by the United States from Kamina in Zaire. (Ind 3/9.3.88; BBC 10.3.88; Star 10.3.88)

A further escalation of the war occurred when South African aircraft bombed the outskirts of the city of Lubango at the end of February. According to one report, the jets were able to avoid Angolan anti-aircraft defences because they had been jammed by Israeli military technicians serving with the South African occupation forces in Namibia. Angolan radio announced that hundreds of civilians had been killed in the attack. (GN 29.2.88; SS 19.3.88)

The intensified South African aggression was accompanied by renewed diplomatic and political pressure on the Angolan government to negotiate with the South African protegee force UNITA and end its military assistance agreement with Cuba. While Luanda made it clear that it was open to negotiations and that it would agree to the withdrawal of Cuban troops from its territory, it reiterated that this could only come about with an end to South African aggression and to support for UNITA and with the independence of Namibia under UN resolution 435. (Angop 10.2.88)



**The International Defence and Aid Fund for Southern Africa**  
Canon Collins House, 64 Essex Road, London N1 8LR

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- (ii) to support their families and dependants
- (iii) to keep the conscience of the world alive to the issues at stake.

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Sources and abbreviations: BBC - British Broadcasting Corporation Survey of World Broadcasts; CH - Cape Herald; Cit - The Citizen, Johannesburg; CT - Cape Times; DD - Daily Dispatch, East London; Debates - House of Assembly Debates, Cape Town; DN - Daily News, Durban; GG - Government Gazette, Pretoria; GN - Guardian, London; FM - Financial Mail, Johannesburg; FT - Financial Times, London; MS - Morning Star, London; Nam - Namibian, Windhoek; NCC - Namibia Communications Centre, London; Obs - Observer, London; RDM - Rand Daily Mail, Johannesburg; S - Sowetan S. Exp - Sunday Express, Johannesburg; ST - Sunday Times, Johannesburg; Star - Star, Johannesburg; Tel - Daily Telegraph, London; T - Times, London; WA - Windhoek Advertiser, Namibia; WM - Weekly Mail, Johannesburg; WO - Windhoek Observer, Namibia.