

COMPLIMENTARY



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'PRETORIA TWELVE': MAJOR TRIAL

On 10 May twelve people re-appeared in court charged under the Terrorism Act with a wide range of offences involving the establishment of an underground network as members of the African National Congress by recruiting persons, taking them out of the country and returning others together with arms and ammunition for the purposes of sabotage.

The accused, eleven men and one woman, first appeared in court on 18 March. They were given copies of the indictment on 22 April. When they came to Pretoria Supreme Court on 10 May the men were in leg irons. When the hearing was completed they shouted "Amandla!" and were answered by "ngwethu!" from the public gallery.

The indictment, possibly the most serious in South Africa since the Rivonia Trial, consists of 79 separate charges. In detail these are as follows:

Mosima Gabriel SEXWALE (24) is charged with having undergone military training in December 1975 and November 1976 in the Soviet Union; with having entered South Africa secretly at the Border Gate with Swaziland near Barberton and bringing arms and ammunition into the country in November 1976; with advising and instructing a person in the use of weapons and explosives during November 1976, and procuring people in Sekhukhuneland, Soweto and Alexandra to undergo military training; and with throwing a hand grenade at two members of the South African Police, seriously injuring them and damaging a police vehicle. (See FOCUS No. 9 p. 10)

Naledi TSIKI (21) of Soweto is charged with having undergone military training in the Soviet Union, with entering South Africa secretly at a place unknown for the purpose of sabotage;

with sabotaging the railway line at Dikgale near Pietersburg during October 1976; with harbouring a terrorist named Phineas Norman Shabalala in Sekhukhuneland and instructing Sam Ndaba in the use of firearms in December 1976; and with recruiting people in Vosloorus, Sekhukhuneland and Soweto to undergo military training or join the ANC.

Lele Jacob MOTAUNG (23) is charged with having undergone military training in 1976 in the Soviet Union; with being in possession of ammunition and explosives between October 1976 and January 1977; and with having recruited, through Sammy Seatlholo, others to undergo military training.

Simon Samuel MOHLANYENG (23) is charged with entering South Africa secretly; with being in possession of firearms, ammunition and chemicals for explosives during November 1976; with recruiting or encouraging others to join the ANC, undergo military training or use firearms and explosives in the Odi and Vosloorus areas.

Elias Tieho MASINGA (24) is charged with undergoing military training in Mozambique; with secretly entering SA at Nestron, Ermelo, in October–November 1976; with infiltrating the Soweto Students Representative Council in October and December 1976 either alone or on behalf of the ANC; and with recruiting others to join the ANC and undergo military training.

Martin Mafeto RAMOKGADI (67) is charged with being a head of the central structure and/or main machinery of the ANC in Johannesburg between June 1976 and January 1977; with receiving R7,500 for the ANC; with crossing into Swaziland to arrange funds for the ANC; with receiving secret messages from ANC officials in Swaziland to further the objects of the conspiracy; and with recruiting people to join the ANC. Martin Ramokgadi spent 1963–73 as a Robben Island prisoner convicted of furthering the aims of a banned organisation, and was banned on release from jail.

Joe Nzingo GQABI (48) is charged with being the head of the ANC central structure in Johannesburg from June 1976 to February 1977; with arranging a meeting with student leaders in Soweto; with instructing others in the use of arms and explosives; and with attending an ANC meeting to discuss the overthrow of the government. Joe Gqabi spent 1965–75 on Robben Island for furthering the aims of the ANC and was banned on release from jail.

Petrus Mampogoane NCHABELENG (50) is charged with trying to recruit for the ANC in Sekhukhuneland in October 1976; with being in possession of arms, ammunition and explosives in November 1976; and with recruiting others to join the ANC or undergo military

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POLITICAL TRIALS

GWAMANDA

On 2 June Bongizipho Leadus GWAMANDA, a 22 year old student from Pietermaritzburg was convicted of furthering the aims of the African National Congress and sentenced to 3 years imprisonment.

Gwamanda was alleged to have prepared subversive pamphlets containing instructions for making petrol bombs, grenades and explosives, and to have played an ANC record to people in New Hanover and Pietermaritzburg. (RDM 3.6.77)

ISAAC SEKO

The trial of Isaac Mohlolo SEKO (27) accused of causing an explosion at the Carlton Centre Johannesburg on 7 December (see FOCUS No. 9 p. 12, where the name was given as SIKO) took place in May.

It was alleged that Seko took two smouldering sticks of dynamite into the Carlton Centre restaurant, where they exploded, blowing off Seko's right hand and causing other lesser injuries and damage.

It was further alleged that Seko had helped to cause an explosion at the surgery of Dr. Jack Goldberg in Klipspruit, on the edge of Soweto, on 5 November, when damage was caused but no one was injured.

Two pamphlets on black liberation were found at Seko's house, together with notes on how to manufacture explosives.

Johannes Mofokeng, a colleague of Seko's at de Beers diamond research laboratory, gave evidence for the state to the effect that he had supplied Seko with the chemicals to make the explosives. Another witness was Cecil Fikile Mavuso who described how he, Seko and a third man named George Phahle, who has left the country, were shown how to use dynamite and other explosives by Wellington Tshazibane, another de Beers employee who died in police custody after being arrested on 9 December. The four men then proceeded to blow up the Goldberg surgery by throwing explosives through the windows.

Seko declined to give evidence but read a long statement in which he outlined the history of his life and claimed that what he had done "was with the highest patriotic motives for the good of all my people and, I believe, for the good of white South Africans as well". He said he had never supported any political organisations and had taken no direct interest in politics, but the events of 1976 in Soweto, particularly the killing of schoolchildren, had had an enormous impact on him. He tried to resist calls to join in the protests and attacks on Bantu Administration buildings, being "pulled one way by a wish to help my people and another way because I knew we could never win." The decisive event as far as he was concerned had been the funeral of Jacob Mashabane on 24 October (see FOCUS No. 8 p. 5) when police had fired on mourners, killing seven and injuring 50, Seko and others had been ordered at gunpoint to carry the dead and wounded into vehicles. The following day, he said, "I decided to commit myself fully to the cause of the Black people" and left his work. He did not admit to causing the explosions.

Seko was convicted and sentenced to 12 years for the Carlton Centre blast, seven years for the surgery explosion and 5 years for possessing explosives. The two lesser sentences are to run concurrently. (RDM 3-5/7.5.77; W 4/5/8.5.77)

SHUBANE JAILED RITA NDZANGA FREED

The case of Khehla SHUBANE and Rita NDZANGA, accused under the Terrorism Act with recruiting students for military training (see FOCUS 9 p. 12) opened at Springs in May. On 9 June Shubane, a 21-year old law student from Soweto, formerly of the University of the North, was convicted and jailed for five years. Mrs. Ndzanga, whose husband Lawrence was indicted on the same charges but died in police custody (see FOCUS 9 p. 8) was acquitted by the court.

It was alleged in court that eleven young people who wished to leave South Africa in the wake of the 1976 disturbances had been collected together by Shubane and Ndzanga in October to be taken across the border into Botswana. Shubane and the students, several of whom gave evidence, were arrested at Mafeking on 10 November.

Shubane made a statement to the court concerning the oppression and discrimination suffered by black people in South Africa. The judge said his offence was regarded as equivalent to treason and refused him leave to appeal.

Rita Ndzanga was acquitted on 26 May for lack of evidence (see box). (RDM 10.5.77, 10.6.77, W 24/25/31.5.77)

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training. Nchabeleng spent 1964-72 on Robben Island for being a member of the ANC military wing and was banned on his release.

Nelson Letsaba DIALE (41) is charged with encouraging others to undergo military training in November 1976; and with being in possession of a pistol in January 1977. Diale was convicted of membership of the ANC military wing with Nchabeleng, and spent 1964-72 on Robben Island and was banned on his release.

Michael Mpandeni NGUBENI (42) is charged with instructing others to undergo military training, commit sabotage, form ANC cells and accept ANC-sponsored scholarships. He spent 1964-76 on Robben Island for sabotage offences and was banned to Rustenburg in the Northern Transvaal on his release (see FOCUS No 9 p. 14). Defence counsel asked that he be sent for observation under the Mental Disorders Act on the grounds that he is mentally unbalanced; the implication is that this was precipitated by his treatment in detention. On 10

June the judge ruled that he was fit to stand trial.

Jacob Gaonakala SEATLHOLO (47) is charged with aiding and concealing four ANC recruits in July 1976; with concealing 'terrorists' from October to December 1976; and with being in possession of arms, ammunition, explosives and chemicals from October 1976 to January 1977.

Paulina Mamagotla MOHALE (26) is charged with procuring a person for military training in October-November 1976; and with typing or duplicating a pamphlet entitled "The Voice of the ANC (Spear of the Nation)" (RDM 10.5.77)

The arrests followed the incident on 30 November near the Swaziland border when four men escaped from a police vehicle by throwing a grenade into the cab (see FOCUS No. 9 p. 10). Several of the accused were arrested in a police swoop in the New Year (see FOCUS No. 9 p. 9).

Opening the case, the prosecution stated that a common criminal purpose was alleged, and that each of the accused performed a par-

ticular function. The conspiracy involved the establishment of an underground network of ANC cells in Soweto, Alexandra, Rustenburg, Pietersburg, Sekhukhuneland and Lebowa. A transport system was organised to ferry recruits out to Swaziland and Mozambique, and arms into South Africa, where they were concealed.

The trial opened on 20 June with the evidence of Ian Rwaxa, detained on 1 December (see FOCUS No. 9 p. 9). He was warned as an accomplice and declined to consult a lawyer. He said he had recruited 260 people and made several trips to take them over the border. He said he had made trips across the border with three of the accused. However during his defence cross examination Rwaxa told the court that he had been repeatedly assaulted by the police and forced to make a confession dictated by the police and to give untrue evidence in the trial. He asked the judge for an order protecting him from police retaliation, but the judge said it was not in his power to grant this. (RDM 21/22.6.77, 1.7.77. Cit. 22.6.77; GN 21.6.77)

RITA NDZANGA

Mrs Rita Ndzanga, the former trade unionist who was acquitted of Terrorism Act charges in May (*see facing page*) has suffered 13 years' restriction and official harassment.

Her husband, Lawrence Ndzanga, also a trade union organizer, (*see FOCUS No. 8 p. 5*) was first banned in 1963. She herself was banned the following year. In 1969 both Ndzangas were detained under the Terrorism Act and held with 19 others for 17 months before being brought to court and acquitted. During this period the four Ndzanga children were without both parents.

On their release in 1970 both Mr and Mrs Ndzanga were re-banned; the bans expired in 1975 and in November 1976 the couple were re-detained under the Terrorism Act. They were charged in December. Lawrence Ndzanga died in January, still in custody (*see FOCUS No. 9 p. 8*). His wife was released on bail the day after his funeral. At the same time she discovered that her elder son John was missing. In May she stood trial with Khehla Shubane on recruiting charges and was acquitted. Neither Rita nor Lawrence Ndzanga have ever been found guilty of any offence. (*W 31.5.77*)



Mrs Rita Ndzanga with her children, Maria, Cecil and Ezekiel

April in the only press report received. A political philosophy lecturer from Stellenbosch University, Dr. B. du Toit, gave evidence for the defence contradicting that of the prosecution's expert witness, Prof. van der Merwe of the Rand Afrikaans University. He disagreed that one of the pamphlets cited in the case, entitled "Organisational Tasks" was Marxist in tone. Most of the books before the court were familiar to him, Dr. du Toit said. (*DD 15.4.77*)

Baragwanath Hospital on 8 January): said to have made a bomb, been instructed in and introduced others to instruction in explosives.

NKOSI: said to have attended lectures on bombmaking and to have made a bomb.

MUSI (presumably Solomon (N) Musi, dental clerk also arrested at Baragwanath Hospital): same charges as Nkosi.

KOZA: said to have helped make bombs, allowed explosives to be hidden in his house and failed to report an explosion there (*see FOCUS 9 p. 9*)

PHALA and OTHERS

Six Africans appeared in Johannesburg Magistrates Court on 16 June charged under the Terrorism Act with offences arising out of the sabotage incidents and the explosion of a 'bomb factory' in a Soweto house (*reported in FOCUS 9 p. 10*) when six people were arrested. No evidence was led and the accused were remanded to 1 August for summary trial at Springs Circuit Court.

The indictment alleged the discovery of a Soviet Tokarev machine pistol, ten blocks of TNT, 40 kg of explosives, plus handgrenades and bullets, and an ANC publication "The Story of Simon and Jane" said to be about how to manufacture time bombs. The press report gave the accuseds' surnames only, with the charges as follows:

PHALA: hiding five grenades, ammunition, explosives, machine pistol and detonators at the house of Mrs. Marule Moletsane, and six blocks of TNT with Mrs. Manathuho. During December and January he instructed others in the manufacture and use of explosives. On 7 January he and three others placed a bomb on a Vereeniging railway bridge. On 8 January he asked Mrs. Marule to lodge a 'trained terrorist' named Patrick Mavunda.

THABO: said to have admitted joining the ANC offering to teach people how to make bombs, and to have encouraged another to undertake military training.

MASHININI: (presumably Ben Mashinini, arrested after arriving with injuries at

MOABI AND MOKONE

Two young men, Mpharala Jacob MOABI (22) and Madlala George MOKONE, were charged under the Terrorism Act with trying to receive military training outside South Africa. The case was heard in Pretoria Supreme Court in June, and on 14 June Moabi was acquitted, but press reports were not complete and the outcome of Mokone's case is not yet known.

Evidence was given by Miss Sharon Simelala, Moabi's girlfriend, who said Moabi had invited her to leave the country with him. They and another man named as Gabriel Masondo were arrested at a farm near Brits last November, allegedly en route for Botswana.

Mr. Moabi, from Daveyton and a member of the Black Peoples Convention, was acquitted on the grounds that he had only thought about military training. The expression of a malicious thought was not a crime in South Africa, the judge added. (*RDM 7/15.6.77*)

STOP PRESS

NDEBELE and OTHERS

On 28 June three of those accused in the Terrorism Act trial in Randburg (*see FOCUS No. 10 p. 15*) were convicted and jailed. Sibusiso NDEBELE (29) Tintswalo MASHAMBA (33) and Happy MASHAMBA (26) were all jailed for five years for terrorist activities and ANC membership. The press report did not mention the fourth accused, Percy TSHABALALA. (*RDM 29.6.77*)

TEN ANC MEN

In May the principal state witness against the ten men, Harold Nxasana, was recalled by the defence. He stated that he had spent 17 months in detention and that following torture he had come to accept the facts put to him by the police, which constituted his evidence. The torture consisted of being gagged and half strangled by a sheet wrapped round his neck and pulled from both sides, and of being hooded, assaulted and jumped upon by unidentified police officers. Nxasana did not withdraw the evidence he had given but said he could no longer separate his own evidence from that suggested by the police.

The defence case claimed that the onus was on the state to prove that the detention and interrogation of witnesses did not render their evidence unreliable. For the state three Durban policemen told the court they had not assaulted Nxasana.

On 13 May the case was adjourned for judgment on 15 July. (*NM 4.5.77; RDM 4/5/7/14.5.77*)

TRANSKEI CASE

The Transkei case in which five men are charged under the Suppression of Communism Act (*see FOCUS 10 p. 15*) resumed at Umtata Supreme Court on 14

BANNINGS

The following new banning orders have been reported in the press:

*includes dusk-dawn and weekend house arrest.

- Matthews Mfengu MAKALIMA of Victoria East
- Ernest MALGAS* of Port Elizabeth
- Maxwell MAYEKISO of Dwashu, Middledrift
- Jack Phambukile NDUZA of Mdantsane, East London

All four were said to have been previously convicted; the first three are known to be former Robben Island prisoners.

• Vusumuzi Vitus MVELASE* previously held in preventive detention Aug-Dec 1976.

• Mxolisi Lawrence MOVO, detained Aug-Dec 1976, restricted to Dimbaza (see *FOCUS* No. 10 p. 10) (W 3.5.77; Cit. 4.6.77)

• Sibongile KUBHEKA (23), secretary at the SASO office in Durban, held in preventive detention Aug-Dec 1976. Restricted to home district of KwaMashu, Durban, as from 12 May. (W 15.5.77)

• Thoko MBANJWA, 23, editor of *Black Review* and *Black Viewpoint*, wife of Malusi Mpumlwana, Black Community Programmes worker banned in 1973 and recently re-detained under the Terrorism Act (see *FOCUS* No. 10 p. 13). Mrs Mpumlwana is restricted to Zwelitsha township and King Williamstown; she was previously held in preventive detention Aug-Dec 1976. (RDM 18.5.77; W 22.5.77)

• Phindile MFETHI, 36, former trade union organiser and secretary of the Industrial Aid Society, banned on release from a year's detention without trial. Mfethi was detained on 13 May 1976 and released on 13 May 1977. He is restricted to the Germiston area and with his wife was taken to a two-roomed house in Katlehong township already occupied by a family of three. Under the terms of his banning order Mr Mfethi may not communicate with anyone except his immediate family and his doctor. (RDM 24/27.5.77)

• Silomko SOKUPHA, permanent organiser with SASO in Durban, previously held in preventive detention Aug-Dec 1976. His ban restricts him to King Williamstown, whither he was removed by police, and forbids him to communicate with SASO, BPC, Black Community Programmes, the Zimele Trust Fund or the Zanempilo clinic (see under *DR RAMPHELE*). (RDM 25.5.77)

• Smangaliso MKHATSHWA, 36, Catholic priest, previously held in preventive detention Aug-Dec 1976. Now re-

stricted to Mabopane East and Pretoria. (RDM 6.6.77)

• M.D. NAIDOO, advocate from Durban, former political prisoner on Robben Island, has had his banning order renewed. Mr Naidoo was sentenced to five years imprisonment in April 1967 for political offences and banned on his release from jail in 1972. (RDM 6.6.77)

• Mongezi STOFIE, president of SASO, banned on 13 June and restricted to KwaThema township, Springs. (RDM 14.6.77)

• Tembani PHANTSI, former school student held for 513 days in detention (see *FOCUS* No. 10 p. 12) now restricted and removed to Graaf Reinet. (RDM 18.6.77)

WINNIE MANDELA

On 16 May the banning order restricting Mrs Winnie Mandela to the Orlando district of Soweto (see *FOCUS* No. 9 p. 14) was altered to restrict her to Brandfort, a small town in the Orange Free State some five hours' drive from Johannesburg. The order was served during a dawn raid and Mrs Mandela and her daughter were immediately removed with their furniture by police to the African location at Brandfort, where they were allocated a three-room dwelling without electricity or sanitation.

Brandfort was apparently chosen at random as Mrs Mandela has no connection with the place. She may not leave except to visit her husband on Robben Island (see also under *NELSON MANDELA*) and is subject to dusk-dawn and weekend house arrest. The removal means the loss of her job in Johannesburg and R350 p.m. salary, replaced by R100 p.m. allowance from the state.

The Minister of Justice was reported as saying that she had to be removed from Soweto before the anniversary of the 16 June shootings; later he was quoted as saying that her banning order had not changed: "It is simply the venue that has changed. There is no difference between living in Brandfort and Soweto. None of the conditions has changed — and we are giving her R100 for nothing. What more does she want?"

POLITICAL TRIAL

BREYTENBACH

Breyten BREYTENBACH, the Afrikaans poet serving nine years for offences under the Terrorism Act (see *FOCUS* No. 2 p. 7) re-appeared in court on 13 May charged under the Terrorism and Prison Acts.

In the trial, which began in Pretoria Supreme Court on 20 June, Breytenbach was accused of attempting to escape from prison by recruiting a warder to join Okhela, a white organization aiming at the violent overthrow of the government. Further details will appear in the next issue of *FOCUS*. (RDM 14.5.77; 21.6.77)

A protest meeting was held in Durban by five organizations — the Natal Indian Congress, the Black Women's Federation, the Black Sash, the Progressive-Reform Party and Women for Peaceful Change. In Johannesburg five white students were arrested for distributing to black commuters a leaflet protesting at the banning. In Brandfort Mrs Mandela is kept under permanent observation by a Sgt. Prinsloo who watches all visitors. A relative was asked to leave, and after another incident Mrs Mandela was summoned to appear in court on 3 June for contravening her banning order by having more than one visitor. On 4 June she and her daughter paid their regular visit to Robben Island.

According to Mr Vorster, Mrs Mandela is free to leave SA and live either in the Transkei or Swaziland. Mrs Mandela has declined the offer. (T. 17.5.77, 27.6.77; GN 17/18.5.77; W 17/18/22/27.5.77; CT 21.5.77; RDM 18/21/24/25/28.5.77, 3/4.6.77)

DR RAMPHELE

Dr Mamphele Ramphele, of the Zanempilo Health Clinic near King Williams-Town established by the BPC, who was served with a banning order in April and removed to the northern Transvaal (see *FOCUS* No. 10 p. 10) returned to Zanempilo a few days later on the grounds that her name and identity number were incorrectly stated in her banning order. After about ten days, during which Dr Ramphele attended the clinic and arranged her affairs, an amended order was served and she was taken back to the Napuma region.

Dr Ramphele, whose family originated from Pietersburg, was educated at the Universities of the North and Natal, where she qualified in medicine in 1972. After a year working in hospitals, she opened the Zanempilo clinic at the beginning of 1975 as part of the Black Community Programmes. It is situated at Zinyoka, about 9 km from King Williams-Town and serves a population of around 10,000 — mainly women, children and the old. The men are mostly migrant workers.

The clinic had (until Dr Ramphele was removed) two resident doctors, five nurses, two midwives, a community health worker and a social worker. It has extended its service by opening two 'out stations' at Tsholomnga and Tyhusha. At the clinic itself medical, paediatric and maternity services are provided; malnutrition and infant mortality have declined since it opened. To assist families locally, as part of the BCP aim of encouraging black self reliance, a Relief Aid Scheme has been introduced and a leather workshop for the employed started up.

Since its inception Zanempilo has been refused co-operation by the Ciskei government with statutory responsibility for health services in the area; an official health centre was opened after Zanempilo but is not attended by the local community. In 1976 Dr Ramphele, two other doctors and the social worker, Ms Puma Sangotsha, were all detained. The banning of Dr Ramphele is thus the latest move in a series of actions taken against Zanempilo clinic and its ancillary activities. (RDM 2/4/5/12.5.77; DD 6.5.77; World 17.4.77)

DETENTIONS

TRANSKEI R400

Between 1 January and 16 October 1976 thirty people were detained under Proclamation R400 in the Transkei. Of these 25 were still held on 26 October, the date of Transkeian 'independence'. Since then, the SA government has refused to answer questions relating to Transkei 'internal' matters.

Proclamation R400 has been repealed

and replaced by an identical provision (indefinite detention) in the Transkei Public Security Act. (W 26.4.77; RDM 17.5.77)

ESCAPES

The two detainees who escaped from John Vorster Square in April, Pascall Moloi and Patrick Mabinda (see FOCUS 10 p. 12) were reported to have arrived in Tanzania in May. (W 9.5.77)

UITENHAGE

Following protests and arson in the black townships of Uitenhage, north of Port Elizabeth, on 16/17 June, 278 people were reported to have been arrested in a massive police swoop in KwaNobuhle Township on the afternoon of 17 June. (RDM 18.6.77)

KNOWN DETAINEES

Approx. date of arrest	Place where held	Name (Age)	Details (where known)
<i>Additions to previous FOCUS lists</i>			
13.5.76	Transkei	Mzwaniile MSOKI	SACC employee with responsibility for distributing aid to the families of political prisoners. Still held April 1977.
August 1976	Pretoria	Maleshani MOGOROSI (26)	Student radiographer at Kalafong Hospital, Pretoria and member of BPC, asked to inform on BPC meetings. Two weeks later she was detained and held for seven months until March 1977.
18.1.77	Johannesburg	Patrick Keresephe GABOUTLWELWE (47)	of Soweto.
1.2.77		Pescod VAKALISA	of Soweto; former activist jailed 1963-68, then with Methodist church.
1.2.77		Pule Joseph MOTUMI (26)	of Naledi, Soweto.
16.3.77		Jeffrey SIMELANE	of Soweto.
<i>New detainees from mid-March</i>			
22.3.77	Johannesburg	Malebelle MOLOKENG (34)	not heard of after being asked to report to John Vorster Square. Previously charged and acquitted in NAYO trial (see FOCUS No. 3 p. 4 and No. 5 p. 12)
23/24.3.77	Bloemfontein	Nat SERACHE	journalist. Previously detained and released. Released again and fled to Botswana.
2/3.4.77	? Oshoek	Norman Bishop TSHABALALA	general manager of BP Swaziland, detained while crossing the border into SA.
5/8.4.77	Johannesburg	Israel MOLOTO	poet and organist from Alexandra.
19.4.77	East London	Hamilton KEKE	re-detained immediately after being acquitted on Terrorism Act charges.
20.4.77	Johannesburg	Colin NXUMALO	Soweto traffic policeman and karate official.
27.4.77	Durban	Silumko SOKUPHA	SASO organiser (see under BANNINGS)
2.5.77	Johannesburg	Lena MAWELA (27)	of Soweto, mother of two daughters. Arrested after police cars with Durban number plates came to her house and she was identified by a hooded person. Lena's two younger sisters disappeared the same day.
5.5.77		Thabo Ernest NDABENI (21)	Soweto students arrested during rent protest at the UBC offices.
		Jefferson Khotso LENGANE	The SSRC demanded their release. On 13 May both were charged and freed on bail, but on 10 June they were re-detained.
3-6.5.77	Transkei	William MALEFANE and 11 others	chairman, Maluti-South Sotho Central Committee organising petition in favour of QuaQua.
10.5.77	Durban	Rev. B.N.B. NGIDI	BPC official.
19.5.77	Johannesburg	Michael MCHONU (27)	lab. technician at Witwatersrand University.
		Mnqedisile SESHUBA (27)	employed by wool company
		Bambo QONDO	
4.6.77	East London	Zola NQINI (44)	clerk with Ciskei dept. of works.
7.6.77	Johannesburg	Mapapa George WAUCHOPE	BPC regional chairman, previously held 17 June-October 1976.
		Vuyisile Vincent SELANTO	BPC assistant, previously tried and acquitted (see FOCUS No. 7 p. 11)
		Thenjiwe Ethel MTINTSO	previously detained 17.8.76-28.12.76, witness in Mohapi inquest (see FOCUS No. 10 p. 1)
10.6.77	Johannesburg	Sechaba MONTSITSI	Soweto Students' Representative Council chairman.
		19 others	Student leaders including Ndabeni and Lengane, see above under 5.5.77.
11.6.77		Max PRICE	Student at Witwatersrand University involved in plans to commemorate 16 June uprising. Released 20 June.
		Richard de VILLIERS	as above. Released 18 June.
		Auret van HEERDEN	as above. Released 17 June.
		Peter LACHMAN	as above. Released 17 June.
		Joel BOLNICK	as above. Released 22 June.

STOP PRESS - NEW DETAINEES

14.6.77	Johannesburg	Willie BOKALA	Reporter on World newspaper.
25.6.77	Port Elizabeth	Dimza PITYANA	SAIRR employee, previously detained and banned (see FOCUS 10 p. 10)
25.6.77	Uitenhage	Mocki CEKISANI	BPC member
26.6.77	Port Elizabeth	Mncedisi TITI	
		Mbuyiselo MADAKA	
		Linda MTI	

6

DEATHS IN DETENTION

According to the Minister of Police only six persons died in detention during 1976. They were Mohapi, Mbatha, Mamashila, Tshazibane, Mazwembe and Botha. Apart from Mbatha, who was said to have died from natural causes, the others all committed suicide, said the Minister. (*Debates 22.2.77*).

He gave no explanation of the deaths of the other seven people who died in police custody in 1976 (see *FOCUS 8 p. 5*). Two of these (Joyi and Mosala) died in the Transkei, supposedly outside SA jurisdiction since 26 October 1976, and four (Mashabane, Mogatusi, Tshwane and Mzolo) appear to have been detained in Soweto during the disturbances; an inquest returned a verdict of suicide on Mashabane. The last was Joseph Mdluli (see *FOCUS 4 p. 2*).

Five more people died in the first three months of 1977, according to the Minister in March (see *FOCUS 9 p. 8*). Of these three died of natural causes (Ndzanga, Malele and Malinga) and two committed suicide (Ntshuntsha and Mabelane). (*Debates 22.3.77*)

INQUESTS

TSHAZIBANE: The inquest on Wellington Tshazibane, the de Beers engineer who died on 11 December last year (see *FOCUS 8 p. 5*) was held in April and found that he committed suicide.

Police described how Tshazibane was arrested at Rand Airport on his return from Botswana following the explosion at the Carlton Centre and taken to John Vorster Square for interrogation. Later he was taken to his house in Soweto where a detonator and chemicals were found. He admitted having been involved in sabotage acts and agreed to make a statement. In a notebook provided by the police he began to write an account of his life. The next day he was found hanged in his cell. Further details of Tshazibane's involvement in sabotage emerged in the trial of Isaac Seko (see under *POLITICAL TRIALS*) (*CT 22.4.77*)

NELSON MANDELA CHARGED

Nelson Mandela, president of the African National Congress of South Africa, was reported in May to be facing a disciplinary charge in Robben Island prison under regulations covering insolent or disrespectful behaviour towards prison staff, officials or visitors. It is understood that Mandela called a warder a 'pig' and that the offence took place some time ago.

Neither the verdict nor the sentence will be made public, according to a Prisons Department spokesman. No reporters were allowed to attend the hearing, which took place towards the end of May. (*RDM 19/24.5.77; W 29.5.77*)

BOTHA: The inquest on George Botha who died on 15 December (see *FOCUS 8 p. 5*) was held in Port Elizabeth in May and recorded an open verdict.

Police witnesses said that the previous day Botha "showed signs of co-operation" during interrogation and furnished important information. This was in contradiction to a police statement at the time, which said that Botha had not yet been questioned (*RDM 16.12.77*). The following day he was taken from the police cells to the security police office in the Sanlam building and on the sixth floor he allegedly escaped from his escort and jumped to his death down the stairwell.

However, the government pathologist who submitted a postmortem report revealed that on the body there were at least four injuries, on the shoulder, chest, upper arm and armpit, which had been inflicted before death. The surgeon who carried out the autopsy agreed with this but declined to comment.

The coroner found that Mr. Botha had not been assaulted, despite the injuries, accepting the police evidence in full, and stating that death was caused by a head wound not due to any act amounting to an offence committed by any person. (*CT 4/5/6.5.77; RDM 12.5.77*)

MABELANE: The inquest on Mathews Mabelane, the Soweto student who died in detention at John Vorster Square on 15 February (see *FOCUS 9 p. 8*) found that he fell accidentally.

The magistrate accepted security police evidence to the effect that while being interrogated Mabelane escaped through a window onto a ledge and then lost his balance, falling ten floors to street level. (*RDM 31.5.77*)

KHOZA: The inquest on the death of Aaron Khoza (see *FOCUS 10 p. 13*) opened in May in Pietermaritzburg where Mr. Khoza died after being transferred from Krugersdorp.

A warder from the Maritzburg Central Prison said that on 26 March Khoza was found dead in his cell hanging from the bars of the window by a jacket and two shoelaces. Doubt was cast on this however by photographs taken before the body was removed, showing a glassed window frame inside the bars. The court inspected the cell on 10 May, when there was no glass in the window. Witnesses gave conflicting evidence on this point. (*RDM 9/11.5.77, 8.6.77*)

RED CROSS VISIT ROBBER ISLAND

The president of the International Committee of the Red Cross visited Robben Island prison in April and reported that "Material conditions of convicted prisoners on Robben Island are in general satisfactory, but we hope for other improvements". In particular he said "We think the absolute lack of communication between prisoners and the outside world — no newspapers, no radios, visits once a month — are very severe". The day after the ICRC delegation left South Africa the press tour described in *FOCUS 10 p. 15*, with its careful control of all reports, was arranged by the Prisons Department. (*CT 26.4.77; 3.5.77*)

390 POLITICAL PRISONERS

The official figures for convicted political prisoners serving sentences as at 1 January 1977 were given as follows:

General Law Amendment Act (Section 21 — Sabotage Act)	183	(163 Africans 10 Coloured 7 Asians 3 Whites)
Internal Security Act (formerly Suppression of Communism)	20	(19 Africans 1 White)
Unlawful Organisations Act	1	African
Terrorism Act	106	(91 Africans 6 Asians 6 Whites 3 Coloured)
Total	310	

(*Debates 14.4.77*)

The total of 310 at 1 January is an increase of 57 over the figure for 1.1.76 (see *FOCUS 6 p. 7* for details) and has since then been augmented by over 70. (A total of 383 political prisoners was officially issued at the end of April — see *FOCUS 10 p. 16* — and since then at least six others have been convicted — see under *POLITICAL TRIALS*). The total number of political prisoners in South Africa is now thought to be about 390.

MONEY FROM ABROAD

An official commission of inquiry into funds for voluntary organisations, which reported to the SA parliament in May, recommends tighter controls on money from abroad for religious purposes and defence costs in security trials.

The commission, chaired by Prof. van Rooyen, also reported on fund-raising methods affecting a wide variety of organisations, and recommended greater control and co-ordination over 'border funds' for servicemen. It urged that those bodies — such as the Christian Institute — named under the Affected Organisations Act (which forbids the receipt of funds from abroad) should be made to certify that none of their funds came from foreign sources, to prevent money being channelled through other non-affected organisations such as the South African Council of Churches. According to the CI it already provides such certification.

On funds sent by foreign sources for the defence costs of those involved in political trials, the commission noted: "It is conceded that any person who is charged with an offence ought to have the right of good legal representation and the South African system of justice makes provision for legal representation without cost. But the availability of money from overseas for trials in which state security is involved is a highly undesirable situation".

To date no legislation on these matters has been introduced in Parliament. (*RDM 24/25.5.77*)

MEETINGS BANNED, BROKEN UP

The police continued to ban and attack virtually all political meetings and demonstrations in South Africa. Their actions became increasingly aggressive as the anniversary of the 16 June shootings approached. Other developments such as the banishing of Winnie Mandela to Brandfort (see under **BANNINGS**) and the detention of student leaders (see under **DETENTIONS**) were associated with the attempt to curb commemorative gatherings. In a display of strength police toured the townships in convoys, shooting teargas canisters. They made repeated announcements that they were ready for trouble, and were also equipped with new weapons, rubber bullets, protective helmets and shields, and two types of adapted vehicles, one of which sprays tear gas at ground level and one nicknamed the 'sneeze machine' that sprays a sticky teargas and powder mixture which adheres to clothes. Several people, including one policeman operating a sneeze vehicle, were taken to hospital suffering from teargas poisoning. A number of other policemen were reported to have been shot or injured 'by accident'. (RDM 9/10/11/15.6.77; FT 16.6.77)

A selected list of meetings and demonstrations banned or broken up by the police is as follows:

28 March Soweto
"Heroes Week" march stopped by police. 37 people arrested and charged with public violence and illegal gatherings (see **FOCUS No. 10 p. 16**)

31 March Lenasia
A large meeting called by Indian school students in Lenasia was addressed by representatives from the Soweto Students Representative Council. A month later an Indian student was arrested while carrying membership forms for

the (Indian) Students' Movement. From 18 May, each day students from a group of about 20 were ordered to report to the police, when they were fiercely interrogated about the 31 March meeting and the connections with the SSRC, in a clear attempt to intimidate them. (RDM 30.5.77)

14 April Umtata
Students from the Jongilizwe College for chiefs' sons protested against the presence of student spies. 71 were arrested and charged; 40 were sentenced to cuts and the rest remanded. (DD 15.4.77)

27 April Soweto
A protest march against increased rents was broken up by the police (see **FOCUS No. 10 p. 16**) 47 people were arrested and on 28 April 45 were charged with public violence and released on bail. (RDM 29.4.77)

22 May Soweto
Police cancelled an open air meeting at Jabulani Stadium called to protest against the proposed 'independence' for Bophuthatswana bantustan, to be addressed by a Tswana opposition leader. (RDM 21.5.77)

24/25 May Soweto
A pupils' school strike called to commemorate the 1976 boycott of Afrikaans ended in violence, with the police dispersing students. (W. 25/26.5.77)

12 June Soweto
Police swooped on student leaders, arresting 20. A few days earlier the SSRC had issued pamphlets calling for a day of mourning on 16 June, with people to stay at home or go to church. (T 11/13.6.77)

13 June East London
A demonstration against a 'homeland election' being held in the township was broken up by police who shot seven people and injured others. (T 14.6.77)

14 June Soweto
Riot police arrested eight students during a meeting outside Orlando High School, and used teargas. The same day an ANC pamphlet was distributed throughout Soweto schools. (Tel 15.6.77)

16 June Soweto
The commemorative church service was broken up towards the end as police fired teargas on the departing congregation. Later nine people were shot and wounded by police. (RDM 17.6.77)

16 June Johannesburg
A memorial meeting to be held at Witwatersrand University was banned under the Riotous Assemblies Act. Brought forward to escape the ban, it was addressed by Helen Joseph, Helen Suzman and Desmond Tutu.

A 24 hour vigil in St. Mary's Cathedral was obliged to be in silence apart from hymns following the Minister of Police's order that no lay people speak. (RDM 17.6.77)

16 June Cape Town
Residents of Nyanga and Guguletu commemorated 1976 by staying away from work and school. (RDM 18.6.77)

17 June Mamelodi, Pretoria
A students' peace march through the township was broken up by police using the sneeze machine. (RDM 18.6.77)

16/17 June Uitenhage
Police shot dead seven people during demonstrations in KwaNobuhle township, and arrested 278 in a swoop. In two days of disturbance, when schools and offices were burnt, ten people were killed and 32 injured. (RDM 18/19/20.6.77)

21 June Atteridgeville Pretoria
A memorial meeting and march against Bantu education and police brutality was dispersed by the police. (RDM 22.6.77)

23 June Soweto and Johannesburg
Students from Soweto marched into John Vorster Square, where detainees are held at police H.Q., and knelt down singing. They were dispersed by police using batons and dogs, and 146 were arrested and charged. In Soweto two people were killed and 23 wounded by police attacking students in various parts of the township. (RDM 24.6.77)



Police with gas masks move in to break up demonstrations in Soweto on 16 June

rhodesia ZIMBABWE

NEW GENEVA CONVENTIONS

Delegates of 97 nations to the Diplomatic Conference on the Humanitarian Law of War in Geneva voted unanimously on 10 June to add two new protocols to the 1949 Geneva Conventions on the treatment of prisoners of war, the sick and wounded and the protection of civilians in occupied areas. The decision, which comes at the close of four years of preparatory work by the International Committee of the Red Cross, is in response to new types of conflict, other than nuclear warfare, that have developed since World War II. The new protocols have important implications, in particular, for the armed liberation struggles being fought in Southern Africa. They include an article defining the "practices of apartheid" as a war crime. (RDM 1.6.77)

The first protocol, consisting of 102 articles, sets out a modern code of combat law for the first time since the 1907 Hague Treaty. Among other provisions, it prohibits the starvation of civilians, the destruction of crops, saturation bombing of cities and the destruction of dams where this will entail large loss of civilian life. Grave violations would, in appropriate circumstances, lead to determination of criminal responsibility in due course.

Under Article 1 of the first protocol, the definition of international war has been widened to include liberation struggles, or "armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination".

The second protocol of 28 articles, marks an attempt to extend the Geneva Conventions to internal conflict situations such as civil wars and insurrections.

Under the new protocols, nationalist guerrilla fighters have been accorded prisoner-of-war status with the proviso that "during each military engagement and during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate", a guerilla must distinguish himself or herself from civilians by carrying his or her weapons openly. If a guerilla fails to meet these requirements, he will lose his right to be treated as a prisoner-of-war but "he shall, nevertheless, be given protections equivalent in all respects of those accorded prisoners

of war by the Third (Geneva) Convention". (Times 23.4.77)

Paid mercenaries, on the other hand, gain very little protection, being denied combatant or prisoner-of-war status. They are defined as persons "motivated to take part in hostilities essentially by the desire for private gain", and who are paid substantially higher wages than ordinary soldiers or officers. The definition specifically excludes a "member of the armed forces of a party to the conflict, or any state and sent by that state". (Times 11.6.77; RH 30.4.77)

(Spokesmen for the Smith regime have always maintained that recruits from overseas fighting in the Rhodesian security forces are employed on the same terms and conditions as regular white troops or police, and therefore cannot be described as mercenaries, whatever their motivation).

The two new protocols will be opened for signature on 11 December 1977 by the depository state, Switzerland. According to the London Times, the first protocol is expected to be ratified by between 120 and 130 states in the course of the next decade, and the second by perhaps half that number. (T 11.6.77)

The developing war situation in Zimbabwe in recent months has prompted the International Committee of the Red Cross (ICRC) to approach the parties involved directly to encourage the application of established humanitarian laws and principles. Discussions with the leaders of all delegations to the 1976 Geneva constitutional conference were followed on 14 January 1977 by a written appeal from the ICRC President, Mr Alexander Hay. (Report on ICRC activities in Southern Africa 14.2.77, RO 784/B)

The Patriotic Front of the Zimbabwean liberation movement, led by Joshua Nkomo of ANC (ZAPU) and Robert Mugabe of ZANU, has since 10 June responded to the new protocols by issuing a Declaration of Intent to Ratify, indicating the Front's "readiness to comply with the high ideals contained in the humanitarian law which ideals are in accord with the philosophy of our organization and practices of our fighters". "We cannot expect the illegal Smith regime in Salisbury to formally ratify these protocols", the statement continued, "but we do expect a reciprocal

declaration of intent by the regime in Salisbury to the effect that they shall at least comply with the basic principles of the humanitarian law, in their treatment of the freedom fighters". (Press conference given by representatives of the Patriotic Front in London, 16.6.77)

Up until recently, the Smith regime has maintained publicly that the situation in Zimbabwe is not one of war, and that the activities of the security forces are first and foremost a police operation against "criminal elements". This position has shifted with the creation of a new Cabinet post of Minister of Combined Operations in February this year, and the elevation of the Commander of the Army, Lieutenant-General Peter Walls, to Commander of Combined Operations. The army is now given priority in co-ordinating the war effort and in the deployment of conscripts. At the end of March, the Rhodesian Sunday Mail announced that "the terrorist war... has now become a war in the fullest sense and is being treated as such by the Government" (SM 27.3.77)

This does not mean, however, that there will be any change in the regime's attitude towards captured guerilla fighters. According to the Minister of Defence, guerillas are "scum and must be treated as such" (see FOCUS No. 10 p.5). Rogers Hawkins, Minister of Combined Operations, has explained that while "the emphasis (has) swung to a military operation as opposed to a policing one... the terrorists are not soldiers, who are nationals of another country at war with Rhodesia, they are Rhodesians guilty of treason to their country. Captured terrorists will continue to be held responsible under law for their treasonable acts, including their wanton murder of civilians, their acts of barbarism against civilians and their killing and injuring of Security Forces." (RFG 7.4.77) Despite the regime's encouragement in other contexts, of the idea that Rhodesia is under attack from external sources, it is clear that as far as the judiciary are concerned, guerillas will continue to be treated as criminals.

IAN SMITH'S HOSTAGES Political Prisoners in Rhodesia

A comprehensive list of all known political prisoners and detainees in Rhodesia, with an introduction.
Available from IDAF at £1.

POLITICAL TRIALS

DEATH SENTENCES

A further 17 names of people sentenced to death under the Law and Order (Maintenance) Act have been received since the last edition of *FOCUS* went to press, bringing the total number of death sentences imposed on political grounds since April 1975 to at least 104. Of these, 5 people are known to have had their sentences commuted on appeal to life imprisonment or less.

In a letter to the Commonwealth Secretary-General in London, written during the 1977 Commonwealth Conference, the President of the African National Council of Zimbabwe, Joshua Nkomo, pointed out that "the Rhodesian regime is hanging many Africans every Monday on flimsy pretexts and framed up charges and as I write there are 15 known Africans on the hanging row, who are due to be hanged any Monday from now. Some of them may have been hanged already".

Mr Nkomo revealed that he had received a note smuggled out of Salisbury prison to his office in Lusaka, written on a piece of toilet paper. The note, reproduced in full for the Secretary-General, read: "Many of my comrades have been hanged privately. They hang every Monday. These names should be sent to the Red Cross International so that officials of the Red Cross should come and see the condemned people. The ANC Zimbabwe should work with the Red Cross if you want the Government to stop killing people. The Red Cross should reveal these names to the press and demand our release. Because of these names the Government can't deny it." A list of 15 names was attached (all of which appear below or in previous editions of *FOCUS*). (Letter from ANC (Zimbabwe) to the Commonwealth Secretary-General, signed J.M. Nkomo and dated 10.6.77)

The Smith regime continues to refuse permission to the International Red Cross to see convicted prisoners or persons detained under 30 and 60 day detention orders. It was reported at the end of May that the two delegates of the Red Cross stationed in Zimbabwe had just completed a round of visits to all long term detainees (RH 26.5.77)

In a press release issued in London on 10 June 1977, the ANC (Zimbabwe) warned of a "general threat against our party members that the regime will exterminate all Nkomo lieutenants within the country". Two senior officials of the ANC(Z), Pinos Zehama and Robert Bhebe, have been sentenced to death in recent weeks on charges under the Law and Order (Maintenance) Act. (See below and *FOCUS* No. 10 p.5)

STOP PRESS

It was reported on 1 July that nearly 100 members and party officials of the African National Council (Zimbabwe) had been arrested and detained by Rhodesian police in the past 24 hours. According to Mr Josiah Chinamano, the Vice-President of the ANC(Z) only one man was known to have been detained in the Salisbury area, where many of the senior party leaders live. A spokesman for the regime confirmed that a number of Africans had been detained on suspicion of supporting and aiding "terrorist movements" but was unable to give figures. (GN/FT 1.7.77)

Death sentences — News has been received of the sentencing to death on 24 June by a Special Court in Gwanda of MAHLATINI SAMBULO NDHLOVU, on charges of recruiting and assisting guerillas. This brings the total number of people sentenced to death on Law and Order (Maintenance) Act charges since April 1975 to 105, 5 of whom have been successful on appeal. ROBERT BHEBE, and PINOS ZEHAMA, the two leading (ANC(Z) officials sentenced to death earlier this year, had their appeals dismissed as *FOCUS* was going to press. In addition, appeals against death sentences imposed on MARTIN CHIRIPUNYANYA, THOMAS MUROYI, MILTON MANDEYA-WYIKE, RAINOS KASIMBE and JAMES MAKAHA (see below and *FOCUS* No. 10) were dismissed in June.

5 April: Special Court, Salisbury
MARTIN CHIRIPUNYANYA (20), from the Mount Darwin area, was sentenced to death for having offensive weapons and for murder. A member of a guerilla group which operated in the Mount Darwin area between January 1976 and February 1977. He had allegedly been involved in the killing of a Chesa Purchase Area farmer in December and had been captured after being shot and wounded by security forces. (RH 6.4.77)

7 April: Special Court, Salisbury
RABSON MUSHONJA (26), and an unnamed 18-year-old youth were both sentenced to death on conviction of possessing arms of war in the Tanda TTL, east of Rusape, in January 1977. They had been wounded and captured in an engagement with security forces. Before passing sentence the court president, Mr Justice Beck, said that imposing the death penalty on the youth was a "most unwelcome feature". However, the youth's age was "by no means an unusual age for terrorists and his evidence revealed that he is a youth of intelligence and imagination". There was insufficient reason to think that the youth had "tried to dissociate himself from the terrorist cause". (RH 8.4.77)

19 April: Salisbury High Court
ISAAC MABIKA (28), from the Mount Darwin area, was sentenced to death for possessing arms of war. A member of a guerilla group in contact with security forces in October 1976 in the Zimbiti TTL, Inyanga, he had been wounded by shots fired from a helicopter operating as part of a joint air and ground mission (RH 20.4.77)

In a case first reported at the appeal stage on 23 April, DUMOSANI SEHLELEKILE had his appeal dismissed against a death sentence imposed for acts of terrorism or sabotage and for possessing arms of war. He had placed a landmine on a railway line near Victoria Falls which had been detonated by a train. He had also laid a landmine on a road, resulting in two deaths, and had allegedly "abducted" recruits for training.

An appeal against the death penalty by SIDNEY KAPUMBA (24) (conviction reported in *FOCUS* No. 10 p.5), was also dismissed. (RH 2/3.4.77)

Others known to have been sentenced to death under the Law and Order (Maintenance) Act in recent months, and not previously reported in *FOCUS*, include:—

ROBERT BHEBE — an official of the Eastern Province (Umtali) of the ANC (Zimbabwe) sentenced to death on 10 March 1977 by a Special Court in Umtali.

Robert Bhebe had previously been detained for several years at Buffalo Range (where for a time he was the only detainee in the prison camp and in effect in solitary confinement). He was released along with a number of other detainees over the period December 1974—January 1975, and later went to live with his family near Umtali.

ANDREW CHIKUKWA, JAMES CHIRIMA, FOSIAS HAWA, EMMANUEL MUKONDO — all allegedly members of guerilla groups and convicted of possessing arms of war by a Special Court in Bindura in January 1977. Appeals in all cases dismissed in March.

KUNEMOTO MAFURERE — convicted in April 1977 and later reported in a note smuggled out to the ANC(Z) to be awaiting execution in Salisbury prison.

GILBERT MUSHOGO — convicted in April 1977

THOMAS MUROYI — an alleged guerilla charged with possessing arms of war and sentenced to death by a Special Court in Umtali in March 1977. Awaiting execution in Salisbury prison according to a note smuggled out to the ANC(Z) and dated 17 May 1977.

SLY (Silayi) NDEBELE — an alleged guerilla who entered Zimbabwe in July 1976. Arrested in Bulawayo in August and sentenced to death by a Special Court in December for possessing arms of war. Appeal dismissed in January 1977.

KINGWALLACE CHIMBABA, JAMISON KASILI, TALPHANOS MOYO, — all reported to be awaiting execution in Salisbury prison according to a note smuggled out to the ANC (Z) and dated 17 May 1977.

In addition, the ANC(Z) received the names of four persons awaiting execution who cannot be positively identified — viz. MILTON, ALI-MOS, KEMBO and BAINOS. These have not been included in the numerical totals above.

MEMBERSHIP CARDS BANNED

Action has been taken to prevent the recently formed People's Movement — an organisation of ZANU supporters inside Zimbabwe — from mobilising its followers. An order was issued in April under the terms of the Law and Order (Maintenance) Act banning the issue of receipts for subscriptions or donations or any form of membership document. Receipts issued by the United African National Council and the ANC (Zimbabwe) were banned in May 1976. (RH 23.4.77)

10

SPECIAL COURTS

23 March: Bulawayo

Nkosana Norman Ncube, described as a herdboyer on Penelope Farm, Mphoengs, contiguous to the Botswana border, was gaoled for 3 years for failing to report guerillas. Guerillas were said to have visited the farm looking for recruits. (RH 24.3.77)

28 March: Bulawayo

SIGANYANA KHALANGA MOYO (31), a Zimbabwean who had lived in Botswana since 1968, was sentenced to life imprisonment on conviction of possessing offensive weapons in Botswana and Rhodesia between July and December 1976, and harbouring and helping a guerilla. In a statement, Moyo said that he had allowed a guerilla to stay at his kraal in Botswana and had taken him weapons and ammunition supplied by residents of the African National Council house in Francistown. Moyo, who owned a business, a house and a kraal in Botswana, had obtained a Botswana residence permit in 1971. In December 1976 he had been deported after losing his permit and had been arrested as he crossed the border into Rhodesia. Although the Court agreed that he had been resident and domiciled in Botswana at the time of the offence, under the terms of the Law and Order (Maintenance) Act Moyo was deemed to be a Rhodesian resident. (RH 25/29.3.77)

30 March: Bulawayo

KENNETH NGWENYA, a Bulawayo mechanic, was sentenced to five years imprisonment for failing to report the presence of one of his relatives who had become a guerilla. (RH 1.4.77)

12 April: Bulawayo

The chairman of the women's movement of the Bulawayo district of the ANC, MNEILLIE DUPUTE, was sentenced to 12 years imprisonment for assisting guerillas and for helping them in their recruiting campaign. Dupute (32), a mother of four, was alleged to have helped two guerillas who had visited her Mpopoma home in August 1976. Special circumstances were found for the court not to pass the death sentence. (RH 13.4.77)

21 April: Salisbury

EDWARD KONDA, vice-chairman of a section of the United African National Council (UANC) in Highfield, was sentenced to 10 years imprisonment on conviction of recruiting or encouraging three people to go for guerrilla training in Mozambique at the end of 1976. Special circumstances were found warranting a penalty other than the death sentence. (RH 19/21/22.4.77)

26 April: Salisbury

An unnamed youth, whose age was fixed by the court as between 16 and 17, was sentenced to 20 years imprisonment on conviction of possessing arms of war. He had been found wounded and in possession of the weapons after an engagement between guerillas and the security forces in the Sabi TTL in October 1976. According to a statement of agreed facts he had undergone training in Mozambique and Tanzania from May 1975 onwards. (RH 27.4.77)

28 April: Salisbury

The Midlands North provincial chairman of the UANC, LAMECK MUKUZE, was sentenced to 3 years imprisonment for failing to report the presence of guerillas. He was acquitted of a charge of harbouring and assisting two guerillas at his kraal in Gokwe, while a third charge that he had recruited two youths for guerilla training was withdrawn by the state. (RH 28/29.4.77)

4 May: Salisbury

ISAAC MUNIKWA (30), a member of the UANC from Mufakose village, Triangle, was sentenced to 5 years imprisonment, (4 years of which were conditionally suspended), for failing to report a guerilla who had — unarmed

— allegedly attended UANC meetings in Triangle in December 1976. Two main charges and an alternative charge of recruiting and encouraging others to go for guerilla training and assisting the guerilla to do so, and helping to organise meetings and collect money for the guerilla, were withdrawn by the state in the light of evidence given by witnesses. Two witnesses told the court that they had been beaten and tortured by detectives to force them to admit to have been recruited by the accused. One stated that he had been blindfolded and that something hot had been applied to his feet. The witnesses had also seen detectives beating Munikwa on the soles of his feet, making the feet so swollen that the accused could hardly walk. (RH 3/4.5.77)

10 May: Salisbury

The national organising secretary of the ANC (Zimbabwe), JOHN CHIRISA (48), was acquitted of a charge of recruiting and encouraging 36 people to go for guerilla training, on the grounds of inconsistencies and contradictions in the evidence submitted by state witnesses. Chirisa had pleaded not guilty to the charge, which arose out of a meeting of ANC(Z) supporters that he had addressed at Mabvuku on 20 March. He had allegedly told his audience that unemployed youths should go for training, but that they would not be forced to do so. The trial, which opened on 5 May, was initially held in camera on application by certain of the state witnesses, whose names were withheld, but on the second day, the accused's relatives and ANC(Z) supporters were allowed on to the public benches.

Despite the not guilty verdict, Chirisa was kept in police custody and almost immediately served with a detention order by the Minister of Law and Order. No reasons were given. Chirisa, who became organising secretary for the Mabvuku branch of the (then) National Democratic Party in 1960, has spent a total of around 8 years in detention, first in Gona-kudzingwa (1964, 1965–6, 1966–70) and later in Wha Wha (1973–6). He was released in January 1976 to join Joshua Nkomo's negotiating team for settlement talks with Smith (Focus No.3 p.10) (RH 6/7/10/11.5.77; Times 14.5.77) (see also under OTHER CONVICTIONS)

20 May: Salisbury

The Gatooma youth organising secretary of the UANC, LEVY CHIKWAMA, was sentenced to 10 years imprisonment on each of three counts of acts of terrorism, and 20 years for failing to report a guerilla, the latter to run concurrently, making an effective prison sentence of 30 years in all. He was acquitted of a further charge of harbouring and assisting a guerilla. Between October 1976 and the beginning of February 1977, Chikwama had allegedly accompanied a guerilla to rob three beer-halls in the Gatooma area. In evidence, Chikwama said that police had threatened to shoot him and take his body to the border, where they would say he had been killed by guerillas. (RH 16/17/19/21.5.77)

The case of COSMAS MANO, accused of having driven Chikwama and the guerilla to rob one of the beer-halls, was adjourned until 6 June. (RH 25.5.77)

25 May: Bulawayo

NDABEZINHLE DUBE (23), a driver for the ANC(Z), was sentenced to 15 years imprisonment for recruiting. He had allegedly transported recruits out of Bulawayo, en route for Botswana. (RH 25/26.5.77)

OTHER CONVICTIONS

3 April: Harari Magistrates Court

37 officials and supporters of the ANC (Zimbabwe) who had attended a meeting addressed by the party's national organising secretary,

John Chirisa, on 20 March, were given suspended prison sentences and/or fined. All the accused pleaded guilty to attending a public meeting for which no permit or authority had been given, an offence under Part I of the Law and Order (Maintenance) Act. Chirisa was subsequently arrested in Bulawayo on 16 April and appeared before a Special Court at the beginning of May (see above) (SM 3.4.77)

On 19 May, in a review judgment in the Salisbury High Court, the sentences were converted to fines only. (RH 20.5.77)

4 April: High Court, Salisbury

SIMON MUYAYISO, aged about 50 and employed as a cook on a white-owned farm in the Bikita area, was sentenced to 14 years imprisonment for failing to report the presence of guerillas. He was found not guilty of committing an act of terrorism by placing the lives of his employer and a police reservist in danger, and not guilty of an alternative charge of assisting guerillas to attack the farm in October 1976. An unnamed youth, also an employee on the farm, was acquitted of all these charges. (RH 29/30/31.3.77, 1/2/5.4.77)

15 April: Gwelo Magistrates Court

Four unnamed residents of the Belingwe area were each sentenced to 2½ year prison terms (one year suspended in each case) for failing to report guerillas. The accused, with 50 others, had attended a meeting called by a group of guerillas in January 1977. (RH 16.4.77)

29 April: Harari Magistrates Court

Passing of sentence was postponed for 5 years in the case of 8 Salisbury schoolgirls convicted earlier in the year of attempting or conspiring to go to Mozambique for training in November 1976. The girls, whose ages ranged from 14 to 16, had originally appeared with a group of teenage boys charged with the same offence. (RH 30.4.77; Focus No.10 p.6)

29 April: Marandellas Magistrates Court

8 members of the ANC (Zimbabwe) youth wing were sentenced to a total of 46 years imprisonment for attempting to go to Botswana for guerilla training. They were found not guilty of conspiracy to do so. In a statement of agreed facts, the court heard that in February 1977 the group had approached Pinos Zehama, the organising secretary of the central branch of the ANC(Z) based in the Machipisa shopping centre, Highfield, Salisbury. Along with 16 others, the youths had been addressed by Zehama and told to report to the ANC(Z) office in Bulawayo, prior to crossing into Botswana. (Pinos Zehama was sentenced to death on recruiting charges on 26 April). The sentences were:—

NORMAN KUBENDA (22) — 4 years; FERDINAND ZINYOME (26) — 8 years; LUKAS SANDU (22) — 4 years; IGNATIUS CHIBONGORI (27) — 4 years; ABEL NGIRANDE (24) — 8 years; TEMBA WIWI (22) — 8 years; PERKINS SANDU (24) — 4 years; an unnamed juvenile — 6 years. (RH 30.4.77; Focus No.10 p.5)

2 May: Umtali Magistrates Court

An unnamed 18-year old youth who had been seriously injured in a landmine explosion was given a suspended prison sentence of 7 years for attempting to go to Mozambique for training. A second charge of being in a restricted area was withdrawn. The court heard that the youth, accompanied by 4 other young men, had tried to cross the border near the Forbes border post outside Umtali. They had passed through the first security fence into the no-go area or cordon sanitaire. There they had detonated landmines which had killed two members of the group and seriously injured the accused. Security forces were alerted and the group was caught. (RH 3.5.77)

The large numbers of teenage boys and girls who continue to appear before the courts

charged with attempting to leave the country for training has eventually prompted editorial comment in the *Rhodesia Herald*. In what it described as a "shocking case of injustice", the paper reported that a 10-year old boy had been sentenced by a magistrates court to six cuts and a 2-year conditionally suspended prison sentence. The conviction was in the event quashed in a review judgement handed down by the High Court. According to the review judge, the Attorney-General had been under the impression that the child was at least 14 years of age and had given instructions for prosecution to proceed. Other review judgements handed down in the same session included: 2 youths aged 16 and 17, each sentenced to 6 years imprisonment — reduced to 5 years, with 2½ years conditionally suspended; a 14-year old boy sentenced to 7 years — reduced to 6 cuts and a 2-year suspended sentence; 3 youths aged 16-18 sentenced to 8 years — reduced to 5 years, 2½ suspended. (RH 20/21.5.77)

In recent judgements, the Appellate Division of the High Court has indicated that in its view boys and girls aged 16 and over may be sentenced without controversy to up to 5 years

imprisonment. Those under the age of 16 should not be sent to prison but given cuts, suspended sentences and/or placed under the supervision of a probation officer. (RH 16/20.5.77)

Rhodesia's prisons are becoming increasingly overcrowded and it is recognised that there is an acute shortage of "suitable" prison accommodation for juvenile offenders. (see above under "Harsh conditions at Khami" and Focus No.10 p.9). Under new Emergency Powers (Prisoners' Release) Regulations 1977, published on 20 May, provision has been made for certain convicted prisoners, such as juveniles and first offenders, to be released on certain conditions. (RH 21.5.77)

FURTHER CASES

22 March: Que Que Magistrates Court

38 residents of the Gokwe area due to be tried on charges of politically-motivated arson under Section 38 of the Law and Order (Maintenance) Act (carrying a sentence of death or life imprisonment) were remanded in custody until 18 April, on the instructions of the Attorney-General. They were due to stand trial on that

day before the Regional Court in Gwelo, but the final outcome was not reported. (Under Section 63 of the Law and Order (Maintenance) Act, a regional magistrates court is empowered to impose fines of up to R\$2000 or prison sentences of not more than 15 years) (RH 24.3.77)

26 April: Salisbury Regional Court

EMSON CHIKONO, a council treasurer, pleaded not guilty to charges of harbouring guerillas and failing to report their presence to the security forces. He admitted to stealing funds from Rusambo Council in the Mount Darwin area, allegedly to prevent them falling into the hands of guerillas. An unnamed juvenile was charged jointly with Chikono. Final outcome not reported. (RH 27.4.77)

23 May: Wankie Magistrates Court

Father MAXIMUS GUMBO (33), a Roman Catholic priest of Karangwe Mission, in the Binga area on the shores of Lake Kariba, appeared on charges of failing to report guerillas. He was reported to have been arrested on 12 May, and allowed bail. He was not asked to plead and the case was remanded until 13 June. (Times 13.5.77); (RH 14/24.5.77)

EMERGENCY REGULATIONS

A number of new provisions have been incorporated into the Smith regime's emergency powers regulations, recently consolidated and reprinted. They include:—

- more stringent controls over the taking of photographs in the operational areas. Powers to confiscate photographic films and prints have been extended. (Section 7)
- existing controls on the importation and distribution of books, newspapers and other publications have been widened to include television and cinema films. (Section 62)
- a person who is not a resident of Rhodesia may be detained indefinitely without charge "irrespective of the circumstances in which he has entered Rhodesia or been apprehended" (Section 19)
- Rhodesian courts are granted jurisdiction over persons who are not resident in

Rhodesia suspected of assisting guerillas, and also over Rhodesian residents who commit such an offence outside Rhodesia. Again, this is to apply "irrespective of the circumstances in which the person concerned has entered Rhodesia or been apprehended" (Section 44)

- the statutory penalty of death or life imprisonment laid down under Section 24 of the Law and Order (Maintenance) Act for anyone convicted of undergoing, or recruiting for guerilla training has been widened to apply to a person who does "any act whatsoever with the intention of, or preparatory to" undergoing such training (Section 43)
- persons who have been served with call-up papers will not be excused from performing national service by the fact that they have instituted court proceedings challenging their call-up. (Section 69)

Section 19 and 44 together would appear to amount to a legal carte blanche for the regime's security forces to indulge in "hot pursuit" raids into neighbouring countries and to capture and abduct Zimbabwean exiles and refugees, and the citizens of those countries themselves. On 15 April 1977 the Salisbury Appeal Court ruled that two Botswana citizens who had been abducted by Rhodesian troops and charged with possessing arms of war and conspiracy with guerillas should be returned to Botswana rather than stand trial. It would appear that in future such court cases will be allowed to proceed. (See FOCUS No.10 p. 7 "Botswana citizens on trial in Rhodesia", and below under POLITICAL TRIALS, the case of Siganyana Moyo) (Emergency Powers (Maintenance of Law and Order) Regulations, 1977, Rhodesian Government Notice No. 405 of 1977; GN 10.6. 77; BBC 11.6.77)

HARSH CONDITIONS IN KHAMBI PRISON

An 1800-word document describing conditions in Khami Maximum Security Prison, the Smith regime's main prison for political offenders convicted under the Law and Order (Maintenance) Act, has been received in London. The original document, which was closely written on four sides of lined paper, with a postscript on toilet tissue, was posted in Zimbabwe at the beginning of June 1977. That it is a broadly accurate account is suggested by the experiences of former political prisoners, some of which have been published by IDAF (e.g. in "Ian Smith's Hostages — Political Prisoners in Rhodesia", IDAF December 1976). Many of the details peculiar to Khami have also been described in an earlier letter written by an inmate of the prison and published

in *Sechaba*, the official organ of the African National Congress of South Africa, earlier this year (*Sechaba Vol. 11 Second Quarter 1977 p. 21 "Report from Khami"*).

The following are extracts from the latest document:—

"Conditions at Khami Maximum Prison, Rhodesia

Petition refused

Khami Maximum Security Prison is 18 miles west of the city of Bulawayo. This particular prison has aroused the journalists anxiety to find out its hazardous secrets which have been kept to the regime alone. There are two halls with two stories each, that is A/Hall and B/Hall. A/Hall comprises of ten single cells and 53 big cells; and B/Hall has 144

single cells excluding 4 dark cells. At present there are 486 prisoners in A/Hall and 187 prisoners in B/Hall. Normally A/Hall holds 331 prisoners and B/Hall holds 144 prisoners. Only 5% of the 673 prisoners now at Khami are non-political prisoners and the rest are political prisoners. The prisoners are serving prison terms ranging from seven years to life, in which case some of the prisoners, especially those serving LIFE have spent more than ten years in prison without reclassification, still under the so-called 'D Class' conditions. Under the so-called prison regulations prisoners are allowed newspapers or radios, but they are deprived of these privileges. But to the prisoners' surprise all these things are continually sent to prison, only to find they benefit

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

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the prison officials not the prisoners as such. The International Red Cross provided the prisoners with a radio but it is often turned off by the authorities. Another thing the prisoners have been refused the permission to write a petition to the Ministry of Justice or the Director of Prisons. No reasons were given at all. The prisoners always complain of the conditions prevailing in prison on the grounds that most of them are serving long prison terms.

Medication

Healthy conditions have and are still deteriorating at an alarming rate at Khami, and as a result prisoners die each and every year, through lack of adequate medication. Those still living are nothing but moving skeletons. To quote an incident, in 1976 two prisoners died, namely Reggie Hlatshwayo and George Mothosi...

Note: Both Reggie Hlatshwayo and George Mothosi (or Mutusi) were members of the ANC of South Africa. (*Sechaba, ibid*).

"All these dead men could have been saved had they been allowed to see the doctor. There are also outstanding cases which need urgent medical attention but

they are refused, for instance there are the following prisoners who are suffering from various kinds of diseases..." (*names of current prisoners listed*)

"If by chance Cpl Daniel Mpandi (*earlier described as an unqualified medical assistant*) takes the prisoners to Mr. McLeod (*the white medical officer*) for examination etc. the dispensary but nothing is done for them. He simply gives the prisoner medicine without consulting the qualified doctor or he just turns away the patient without treatment. Or if the patient concerned is lucky he will be told to wait for the doctor Lewis who is the government hired doctor and visits the prison periodically. Dr. Lewis is nothing to prisoners and also the first thing he asks is the complaint, the name and the offence of crime and if by chance the offence happens to be a political one; he there and then tells the prisoner to go and seek treatment in Moscow or Peking and then turns the prisoner away without a look at him. He has done it too often. The cells are so crowded that health conditions have deteriorated terribly, youngsters and elders sleep together like sardines, common diseases such as flu, ulcers, colds, diarrhoea etc. are rampant.

They circulate from cell to cell and hardly leave the halls.

It is also surprising that some of the already sentenced prisoners are frequently taken by the CIDs for torture."

WARDERS GAOLED AFTER DEATH OF PRISONER

A corporal and two warders, all members of staff at Chikurubi Prison, were each sentenced to 18 months imprisonment in April this year for causing the death of a prisoner. 9 months of the sentence were suspended for 5 years in each case. Corporal Zivenga Machona, Warden Farayi Chenjeya and Warden Benzine were found guilty of culpable homicide through assaulting John Daniel and causing injuries from which he died. A fourth man, Warden Samuel Kanume, was acquitted through lack of evidence.

Salisbury Regional Court heard that the prisoner, John Daniel, had died from a combination of bronchial pneumonia and multiple injuries sustained in a beating. Daniel, a hard-labour convict, had arrived at Chikurubi Prison on 21 September 1976. He had done a full day's work and on the following day had been sent to work in a mealie field on the prison farm. There he had fallen behind the other prisoners and told Corporal Machona he felt ill. He had been beaten with sticks by the warders on the back and buttocks and refused permission to rest. He had collapsed on the way back to the prison at the end of the day. (*RH 24/27.3.77*)

REPORT ON ASSISTANCE TO DETAINEES

The number of persons known to be detained without charge or trial by the Smith regime, detained on completion of a prison sentence or on acquittal by the courts (e.g. see the case of John Chirisa under *Political Trials*) now stands at at least 1,300. The names of 386 new detainees were received by IDAF over the period January-May 1977 alone. In its annual report on "Education and Family Projects in Rhodesia", the Fund noted that there had been few releases over the 12 months to May 1977 while a number of members of the African National Council who had been released during the previous year 1975-6 had been redetained.

Detainees, unlike convicted prisoners, are permitted by the regime to receive correspondence courses and educational material while in captivity. By working closely with the Prison Education Committee of Christian Care, an organisation inside Zimbabwe providing assistance to political prisoners, detainees and their families, IDAF was able to arrange for a total of 513 correspondence courses to be supplied to detainees during 1976-77, and for 117 detainees to be registered for General Certificate of Education examinations in January 1977. Study material and examination fees have also been provided to family members and to former detainees after their release to enable them to complete courses and obtain qualifications.

The continual rise in the numbers imprisoned and detained, reports the Fund, has brought a corresponding increase in the number of families who, deprived of their breadwinner, are in need of regular financial assistance to enable them to meet the cost of the barest necessities such as food, rent and the children's school fees. By January 1977 assistance was being provided to 1,200 families in the form of monthly welfare grants and Christian Care's budget for the coming year for this purpose had been doubled over that for 1976. It is estimated that school fees will be paid for 700 secondary and 6,500 primary school children over the coming year, while further grants are being provided to cover prisoners' extended family responsibilities.

Through Christian Care, IDAF is also providing special assistance to the families of prisoners and detainees who have been removed into "protected" and "consolidated villages" and is contributing towards the expense of prison visits by families. Extra welfare grants have been given to those few detainees who have been released, to enable them to support themselves and their families in the face of officially-inspired discrimination. The Fund concludes that while the financial support channelled into these various welfare and education projects over the year to May 1977 has doubled over that in 1975-6, there is "urgent need for even more substantially increased sums to be made available for this work". (*"Education and Family Projects in Rhodesia" - Report to*

IDAF Annual Conference, Geneva, 6-8 May 1977)

MISSIONARY DOCTOR DEPORTED

Dr Selwyn Spray, an American doctor who had worked for 2½ years at the Mount Selinda mission in the Chipinga district close to the Mozambique border, was finally deported from Zimbabwe in June. Dr Spray (38), who was sent to Zimbabwe as a missionary by the United Church Board for World Ministries in New York and is a specialist in tubercular and malnutrition cases, was declared a prohibited immigrant at the end of March 1977. At the beginning of May, he was arrested for defying the order, but granted an extension of 30 days. He returned to Mount Selinda, but on 5 June was again arrested under the emergency power regulations after two alleged guerillas were shot by security forces close by the mission. According to unofficial sources, 23 other people from the mission, all of them Africans, were arrested in the same police operation. (*RH 5.5.77; GN 14.6.77*)

Speaking in London on his arrival from Salisbury on 21 June, Dr Spray said that he had been kept in solitary confinement in Chipinga gaol for two weeks after his arrest. "I was treated fairly well in prison because I was white," he said. "I had a board to sleep on and was fed regularly. But the blacks in the prison had to sleep on stone floors and were herded into pens - whereas I had a cell to myself. They were also tortured frequently."

On his relations with guerilla fighters in the area, the ostensible reason for his arrest and deportation, Dr Spray said that he "used to talk to them when they came to the mission and gave them medical advice and drugs. They carried arms and were branded terrorists by the government. I would not call them that. They were just young men, many of them students who were concerned about their country." (*M 22.6.77*) (See *FOCUS* No. 10 p. 9)

POLITICAL TRIALS

namibia

While the details of the agreement for Namibia's transition to independence reached in May and June between Vorster and the envoys of the five Western members of the United Nations Security Council (the so-called Western contact group) are by no means entirely clear, it seems certain that they fall far short of the demands of the UN as set out in Resolution 385 of 30 January 1976, and of SWAPO itself. South Africa has supposedly abandoned the Turnhalle plan for an interim government in the territory, but on other issues, notably the continuing presence of up to 50,000 South African troops, the South African Police and other security and intelligence services, few or no concessions appear to have been made. The South African Minister of Foreign Affairs, Pik Botha, has categorically denied rumours of an imminent withdrawal of troops, saying that this will be the responsibility of the Namibians themselves to negotiate through their constituted government, after elections have been held (WA 13.6.77; see FOCUS No. 10 p. 19).

Continuing political repression in Namibia lends support to SWAPO's position that "elections free from daily intimidation and brutality on the part of the authorities will never be held until the South African troops are withdrawn". (SWAPO Department of Information press release, L/8/77/64, 28 June 1977). A number of Namibians have in recent weeks appeared before South African courts on charges under the Terrorism Act connected with guerilla activity. In demonstrations outside the Windhoek Supreme Court and to the envoys of the five Western Security Council members on their visit to Windhoek in May, SWAPO has demanded that captured SWAPO guerilla fighters be treated as prisoners of war (see below; SWAPO Department of Information press release L/8/77/59, 18 May 1977).

BENJAMIN UULENGA

The trial of BENJAMIN CHRISPUS UULENGA (also spelt VULENGA) on charges under the Terrorism Act continued before the Windhoek Supreme Court during the first weeks of May. (See FOCUS No. 10 p. 18, No. 9 p. 17) Uulenga, who was born in Ovamboland in 1952 and had allegedly trained in Angola, Zaire and the

Soviet Union, pleaded not guilty of intent to break law and order in Namibia and of possession of arms and ammunition including an AK-47 rifle, magazines, cartridges and rocket launchers. A large assortment of machine guns and other weaponry was on display as exhibits before the court.

According to the charge sheet and evidence submitted by state witnesses, Uulenga had crossed the border from Angola into northern Namibia around June 1976, in the company of about 16 other guerillas. They had obtained food from farmworkers in the Tsumeb district and by stealing livestock, before realising that they were being followed by a South African military unit and splitting up. Uulenga's group, consisting of five men, had set an ambush for the police on the farm "Danevis Suid" and had then, at the farm "Malta", been involved in an encounter with the military. Three of the guerillas had been killed while Uulenga, who had been apprehended while shooting at a South African Puma helicopter, had been badly wounded in the left leg and hip. He had been treated at Grootfontein military base by having a steel pin inserted, followed by three months of traction, before his trial. (According to one state witness, who had been taken there for identification purposes, the bodies of dead guerillas had been taken to the mortuary at Tsumeb). (WA 28.4.77)

On 2 May, Advocate R. Johnstone, Counsel for the Defence, led argument that Uulenga qualified on four relevant points to be regarded as a prisoner of war. For a guerilla to be entitled to the protection of the Geneva Conventions, Adv. Johnstone said, he must answer to a leader, have a badge, carry arms openly and be able to perform operations. His client satisfied all these criteria and should therefore be tried before a military court. Adv. Johnstone argued, in addition, that a "state of hostility" prevailed in Namibia amounting to open warfare. The guerilla group to which Uulenga belonged had appeared anxious to test the reaction of the military, a superior force, rather than initiate hostile activities, and had not committed murder. (WA 3.5.77)

On 10 May, however, Uulenga, who was not himself called to give evidence, was found guilty of all charges by Mr. Justice J.J. Strydom. "Under the banner of SWAPO and in a challenging and

contemptible way", Strydom said, "the accused and a group of other comrades entered South West Africa, armed to the teeth, roaming around, slaughtering stock and threatening civilians". While the argument that Uulenga should be treated as a prisoner of war according to the Geneva Conventions "might be successful on a political basis... judicially it fell flat". Sentence was postponed until 23 May 1977, and then again to 13 July. (WA 11/24.5.77)

A demonstration of around 80 SWAPO supporters gathered outside the Supreme Court on the day sentence was passed, and crowded into the public gallery to greet Uulenga as he was taken down from the dock. The demonstrators, shouting slogans and singing SWAPO songs, held placards outside the court bearing the words "South Africa has no right to try Namibians", "South Africa - Freedom fighters are not terrorists", and "You can imprison revolutionaries, but you cannot imprison the revolution". (WA 11.5.77)

ITENGULA, SHIKONGO and GITEB

The trial before the Windhoek Supreme Court of RUBEN ITENGULA, MICHAEL SHIKONGO and LAZARUS GITEB, SWAPO Secretary at Otjiwarongo, on charges under the Terrorism Act, had apparently reached no definite conclusion by the end of June. Press reports of the proceedings in the *Windhoek Advertiser* ceased abruptly from 26 May, four days before the execution of Filemon Nangolo (see below).

As in the case of Benjamin Uulenga, the three accused had appeared briefly before the Windhoek Supreme Court in February (see FOCUS No. 9 p. 17) and again at the end of April. On 3 May, when the summary trial resumed, SWAPO supporters packed the public gallery and demonstrated outside singing SWAPO songs and carrying banners. According to the charge sheet and Advocate F.H. van Zyl, for the State, Itengula had crossed the border from Angola into Ovamboland in 1976 in the company of another SWAPO guerilla, Johnny Angula, who was later shot dead by South African police. They had allegedly told farmworkers that they were freedom fighters and had later met up with Accused No. 2,

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Michael Shikongo, an active SWAPO supporter, who had given them food and had been told to convey a message to Accused No. 3, Lazarus Guiteb. Guiteb was described as the Secretary for SWAPO at Otjiwarongo and an active organiser. (WA 4.5.77)

Shikongo, a 39 year old Damara farm-worker in the Otjiwarongo district, told the court that he had bought a SWAPO membership card as a form of insurance for the future and "because I was told that SWAPO would bring freedom, farmland, stock and money". When Itengula and Angula had arrived at the stock camp where Shikongo lived in August 1976, they had warned Shikongo to "keep quiet about us, we are invisible and people of the veld. If you do tell anybody about us, you will regret it, we are many". "I certainly believed them", Shikongo said, "I believed that they could be invisible. They came from far, right through the Police and Security Forces border posts, and the three watchdogs I have at the camp did not even bark when they arrived." (WA 27.4.77)

No final outcome was reported and it would appear that the proceedings were adjourned before either Itengula or Guiteb had given evidence.

SWAPO LEADERS TRIAL

The South African Minister of Police, Mr. J. Kruger, confirmed in the House of Assembly on 24 May that the investigation instituted into the activities of the Special Branch at the close of the appeal by four SWAPO members had been completed. In May 1976, Aaron Mushimba, SWAPO National Organiser and Hendrik Shikongo were sentenced to death, and two female SWAPO members to prison terms, in a trial later deemed to have been conducted with "gross irregularity". In particular, confidential and privileged information had been leaked from the offices of the defence lawyers to the Windhoek Security Police.

In reply to a question by Mrs Helen Suzman, Kruger said that no steps, other than departmental, had been taken as the policemen involved had not acted male fide. (WA 25.5.77; FOCUS No. 10 p. 18)

MAXUILILI'S BAN RENEWED

The Acting President of SWAPO, Nathaniel Maxuilili, who has been under house arrest in Walvis Bay for the past five years, has been issued with another five year banning order by the South African Minister of Justice. Mr. Maxuilili, the only Namibian to have been banned under South Africa's Internal Security Act (formerly the Suppression of Communism Act), was restricted to the Kuiseb River township at Walvis Bay shortly after the visit to Namibia in 1972 of Dr. Escher, the special representative of the United Nations Secretary General. His ban, imposed in July 1972, was due to expire in July 1977. The new banning order was served on Mr. Maxuilili on 30 May on the grounds that his activities "endanger the maintenance of public order" and is due to expire on 31 May 1982. Under the terms of the ban he is restricted to the Magisterial district of Walvis Bay; is pro-

hibited from entering certain areas such as factories and schools, is prohibited from attending any social gathering or political meetings; and is barred from any kind of involvement with writing and publishing. (WA 2.6.77)

Maxuilili was previously arrested in 1964 and sentenced to four months' imprisonment for organising opposition to the Odendaal Commission and its proposals for imposing bantustans on Namibia. He was again arrested in 1966 and detained at Pretoria Central Prison together with Herman Toivo ja Toivo and other Namibian leaders for several months. Having appeared on trial with 36 others in mid 1967, he was sentenced to 5 years imprisonment, all but one month of which was suspended, under the Suppression of Communism Act. He was subjected to constant police surveillance on returning home to Walvis Bay.



Demonstrators outside the Windhoek Supreme Court during the trial of Ruben Itengula and others

FOCUS 11 JULY 1977

PARALYSED MAN EXECUTED

FILEMON NANGOLO, sentenced to death in September 1976 on charges of murder, was hanged in Windhoek in the early morning of 30 May. Nangolo, who was paralysed from the waist down as a result of police shooting leading to his arrest in April 1976, had been found guilty before Windhoek Supreme Court of murdering four white people on farms in the north of the country. Alternate charges under the Terrorism Act had been laid against him and a number of others arrested at the same time, but did not figure in the final judgement. In October, leave to appeal against the death sentence was refused. (See FOCUS No.5 p.7, No.6 p.4, No.8 p.15)

Nangolo, described in the *Windhoek Advertiser* as a "former SWAPO guerrilla turned criminal", was told in the Windhoek Central Prison a few days before his execution that there was to be no reprieve. A spokesman for the Supreme Court, possibly with the aim of averting any demonstration, said that in his view it would be unwise to disclose the precise date and hour of the execution. In the event, Nangolo, who went to the gallows in a wheelchair, was apparently hanged 8 hours earlier than originally scheduled. More than 1,000 people gathered in Katutura Cemetery outside Windhoek on the following day for a funeral and wreath-laying ceremony. Various speakers at the graveside stressed the meaning of the "life, action and ultimate death" of Nangolo, and the impact on the Namibian liberation struggle. (WA 24.5.77, 1.6.77)

Nangolo's execution had in fact gone ahead despite representations to the South African authorities by the British ambassador in Cape Town and a number of other governments, and appeals by SWAPO to the United Nations Secretary-General, Amnesty International, the International Committee of the Red Cross, the International Commission of Jurists, and the five Western members of the UN Security Council. In a statement issued in London on hearing the news of Nangolo's death, SWAPO totally condemned the execution and explained that "the South African occupation of Namibia is illegal and Nangolo's execution is to be regarded as murder. SWAPO and the people of Namibia reject their right to judge, try or execute Namibians... We dismiss the notion that Nangolo's case is not a political one. The illegal South African occupation of Namibia is founded on violence and repression and Nangolo's actions, while not endorsed by SWAPO, must be understood in this context. A regime that bases its control on terror cannot expect that the people it oppresses will remain passive." (SWAPO Press Release, 1/8/77/60, 30 May 1977)

GROWING MILITARISATION

The operations of the South African Defence Force (SADF) in Namibia are now well established, with a large number of troops deployed there (see *FOCUS* No.7 pp 14-16) in operations of increasing savagery. Partly because of this and partly because of preparations within its own borders it is clear that as a nation South African is becoming increasingly militarised as it mobilises to defend apartheid and white supremacy.

Many military developments are subject to strict security and can only be guessed at; from the recent White Paper on Defence, presented to the SA parliament on 28.3.77 and debated a month later, certain conclusions can be drawn about the scale and direction of the military build up.

DEFENCE SPENDING

In the latest estimates defence spending has been increased by 22.5% to a total of R1700 million, representing nearly 19% of all public expenditure and over 5% of GNP. Costs are broken down as follows:

Defence Estimates 1977/78

	Rm
Command and Control	175.0
Landward Defence	907.1
Air Defence	125.7
Maritime Defence	232.1
General Training	68.2
Logistic Support	388.3
Personnel Support	4.6
General SADF Support	955.8
Total Requirements	1940.4
Cash Voted	1711.7
Deficit	228.7

The largest increases in the past two years have been in Landward Defence (SA Army plus Air Force support) where both operating and capital spending has doubled, and in Air Defence, where the allocation has risen from R63m in 1975/76. In the same period Maritime Defence (SA Navy) has vastly increased its capital spending by nearly 200%.

ARMAMENTS

The growth in spending reflects partly the enlargement of the SADF over the past few years, together with the operational costs incurred in Namibia and the invasion of Angola (unprovided for in the 1976/77 estimates) and partly the high cost of armaments, especially those from abroad. Thus the White Paper claims that a single Mirage jet fighter costs R8 million, while a medium-sized warship

accounts for R68 million. In addition there are training costs (said to amount to R1 million for a Mirage pilot) and the cost of "adequate ammunition for intensive operations".

Price increases in aircraft spares were quoted by the Defence Minister, for example, the price of a cylindrical roller having risen 1800% in two years and that of a Hawker Siddeley friction damper by 640%. According to the Minister around R1000 million of the defence budget goes on armaments, one quarter of which is spent abroad, though there are conflicting estimates on this and some overseas spending may be concealed in local arms manufacture under licence, which is being expanded.

In January it was reported that one hundred Mirage FIAs strike aircraft were to be built under licence, and the White Paper appeared to confirm that some were already in operation. In February France repeated its pledge to observe the arms embargo on SA, existing orders excepted, but in April a trade delegation including high-ranking officers and several arms manufacturers paid a private visit to SA during which they saw the Ministers of Defence and Foreign Affairs.

For the Navy, the improvement of the naval and submarine base at Simonstown is proving very expensive, according to the Minister, including R29 million to enlarge the basin, R36m for synchro-hoist and wharf, and R½m for workshops and other buildings.

A new airbase is to be established at Hoedspruit in the Eastern Transvaal about 100 km from the Mozambique border, near the Kruger National Park. It is claimed this will relieve pressure on the two bases near Pretoria and bring the

South africa

total number of bases in South Africa up to seven. According to the White Paper, the SAAF "possesses a formidable and balanced air defence system comprising static and mobile radar units coupled with sophisticated interceptors backed up by surface to air missiles".

SAAF Aircraft

bombers

- 6 Canberra B (1) 12
- 3 Canberra T4
- 9 Buccaneer S50

fighters

- 16 Mirage IIIEZ
- 14 Mirage IIIDZ
- 15 F-86 (being replaced by Mirage F1AZ)
- 27 Mirage IIICZ/BZ/RZ
- 16 Mirage FICZ interceptors
- 7 Shackleton MR3 maritime reconnaissance
- 20 Albatross P1665 maritime surveillance
- 36 Impala 1/11 jets

helicopters

- 40 Alouette III
- 25 Puma SA-330
- 15 Super Frelon SA-321L

transport

- 7 C-130B
- 9 Transall C-160Z
- 23 C-47
- 5 DC-4
- 1 Viscount 781
- 4 HS-125
- 7 Merlin III

light support

- 22 Cessna 185/A/D/E
- 36 Bosbok AM-3C
- 3 Kudu C-4M

on order

- 32 Mirage F1AZ
- 30 Impala II
- 37 Kudu

training aircraft

- 145 Harvard
- 145 Impala MB-326
- 22 Impala II
- 25 Vampire
- plus some others

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DEFENCE BONDS

To cover last year's deficit on the Defence Budget, an extra R14 million was voted in February. Over half (R8m) went on arms and ammunition.

To raise extra money for defence, the SADF introduced Defence Bonds in July 1976, sold first to defence personnel by 'appealing to their patriotism and stressing the sound financial investment' (to quote the White Paper) and later to the general public. Barclays Bank SA were among the many institutions to buy the bonds. Another form of bond, incorporating a lottery element, was introduced at the end of March 1977 amid opposition from certain sections of the Dutch Reformed Church. (GN 2/4.4.77; RDM 14/20.4.77)

MANPOWER

Operations in Namibia and Angola over-stretched the SADF last year and led to a reappraisal of manpower needs. According to the White Paper only 7% of the total SADF forces are regulars (plus 3% civilian employees) while 6.6% are full-time conscripts, with the rest as part-time and reserves.

The full-time force is made up of 55% regulars and 45% conscripts; its strength would appear to be greater than the 51,500 quoted in the *Military Balance* as some conscripts serve in the Commando force rather than the Army. There are in addition up to 260,000 men on the active reserve, serving annual camps. It was claimed in the Defence debate that one in three white male citizens aged 18-35 are now full-time or part-time servicemen.

To increase the full-time strength of the SADF, it was announced in April that the conscription period is to be doubled to 24 months plus 240 days over a further eight years. Amendments to the

Police Act were introduced in May obliging recruits liable for conscription (who can get exemption from military service by joining the police force) to serve at least 24 months; it was said that some young men used this as a way of avoiding the army. In addition, it was suggested that over 1000 new conscripts and over 2000 reservists have not reported for duty. Up to 100 servicemen are also said to have deserted from the SADF, though these figures are not confirmed. (Debates 21.4.77, 9.5.77; T. 21.1.77; RDM 2.2.77)

To increase the potential strength of the armed forces still further, a large cadet programme has been introduced in white schools. 100,000 boys are now members of cadet corps; the target is 200,000.

Women volunteers are also being encouraged to join the SADF in non-combatant roles. A training college with an annual intake of 500 has been opened and so far 865 women have or are being trained. In addition 6000 serve in Commando forces.

Black volunteers (Coloureds in the Cape Corps, Indians in a naval section at Durban, and Africans in support and guard tasks) have been incorporated in small numbers. The White Paper spoke of the plan to recruit Africans for certain tasks in rural Commando units. In addition the SADF has taken responsibility for establishing a Transkei Army, which is to introduce compulsory military training (BBC 26.5.77), and it is now doing the same for BophuthaTswana.

DEPLOYMENT

Although a large proportion of the SADF is on active service in Namibia, the SA Army also maintains 'an active presence' in 'potential target areas' such as the Northern and Eastern Transvaal and Northern Natal - all the areas bordering Mozambique. At present this consists

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mainly of troops in training, and the steady movement and manoeuvres in these areas serve 'to prevent border violations and infiltrations', as well as protecting local inhabitants from being 'politically indoctrinated' and 'intimidated' no doubt the SADF is sufficiently intimidating in itself.

In Natal members of the Commando have toured African districts 'explaining that local white farmers were 'parading in uniform, armed and attending shooting practices (in order to) protect both themselves and the Black community' (Debates 22.4.77) Farmers along the eastern border are being equipped with radio networks and fencing, and workers coming across the border are being subjected to tighter control and compulsory registration. (RDM 7.4.77; W. 10.4.77) The construction of a new airbase at Hoedspruit illustrates the increased military concentration in this area. A fence 2m high is being erected along the border between Komatipoort and Swaziland, one already exists along the edge of the Kruger National Park. (RDM 26.5.77)

URBAN AREAS

According to the White Paper the SADF responsibilities extend to the preservation of life, property and public services in internal emergency situations and the Army 'must at all times be ready on a country-wide basis to mobilise trained forces' to this end, which is dependent also on a highly efficient intelligence network (i.e. BOSS). During the 1977 uprising the Air Force rendered assistance to the SA Police in transport operations and air reconnaissance in urban areas (Other sections of the SADF, including the fledgling Transkei force, were reportedly mobilised during the uprising but the White Paper does not confirm this).

In an Army manual issued in June 1971 entitled "Unconventional Warfare Operations in Urban Areas" instructions as to when civilians may be killed by troops are itemised. Like the police soldiers are indemnified against any proceedings by those injured or bereaved as a result of shootings in civil unrest. In the manual troops are instructed to shoot to kill rather than warn or wound and to do so in defence of 'all Government property including vehicles and buildings.' (Obs. 26.5.77)

Sources: unless otherwise stated, all material taken from summary of Defence White Paper published in *Paratus* May 1977; *Debates* (Defence Vote) 21-22.4.77; *Military Balance* 1976-77.



The International Defence and Aid Fund for Southern Africa

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