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focus

ON POLITICAL REPRESSION IN SOUTHERN AFRICA

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DRAMATIC ESCAPE BY PRISONERS

On 12 December three white political prisoners serving sentences under the Terrorism Act made a dramatic escape from Pretoria Central Prison maximum security section.

The three are: Alexander Moumbaris (41) sentenced in 1973 to 12 years in jail together with four others who were also convicted and are now on Robben Island and with Sean Hosey who was released in 1978 after a six-year sentence; Timothy Peter Jenkin (31) and Stephen Bernard Lee (28) both convicted in 1978 of distributing pamphlets for the ANC and the SACP, and sentenced to 12 and 8 years in jail respectively. (See *FOCUS* 18 p.11).

The prisoners were found missing at 7 a.m. on 12 December. On 14 December a prison warder Francois Daniel Vermeulen appeared in court charged with assisting the escape (*RDM* 15.12.79). On 22 December the Deputy Commissioner of Prisons gave an interview in which he stated that there was only one warder on duty in the maximum security cell-block where the nine white male political prisoners were held, and that there was a shortage of 2000 warders in the country. (*RDM* 24.12.79).

The South African press made several speculations as to how the three made their escape, suggesting that it was organised by the Soviet KGB. On 2 January the three escapers held a press conference in Lusaka, Zambia. Their statement was as follows:-

"We are certainly very glad to be in Lusaka. Our presence here is more eloquent than any

statement. We have emerged from a maximum security prison in the heart of the Pretoria regime, passed clear through the enemy's territory and crossed heavily guarded borders. You see us now in the country whose commitment to the liberation of Southern Africa is well known.

"A battle has been won whose significance goes beyond the number of prisoners that escaped. We have shown that, for militants of the liberation movement, capture does not mean surrender. Although placed behind walls and bars and closely observed by armed guards, for apartheid prisoners — the struggle continues.

"In the course of our escape we were reluctantly forced to damage the front door of the prison, and so leave evidence about how we got out. This damage however also constitutes important evidence about the mentality of our captors. It should show that we were not supplied by our captors with keys and other help. In spite of this a Prison Department official has been arrested. Characteristically the authorities have seized upon a scapegoat in order to conceal from the people the extent to which it is possible to overcome the security of the state.

"The eleventh of December marked the last day of our own captivity. In this bitter captivity remain our comrades: on Robben Island, in Pretoria and in Kroonstad. Tens of thousands remain imprisoned, for both direct and indirect political offences, throughout South Africa. Many of these face torture by the racist butchers.

"Although for security reasons we are unable to give details, the underground machinery of the African National Congress and the South African Communist Party played an essential role in getting us to where we are now. Once again our liberation movement has successfully thrust its spear deep into the enemy's body.

"The three of us now look forward with heightened enthusiasm to contribute with full strength to the ongoing struggle to liberate South Africa from all forms of oppression.

"While we join our voices to those of

concerned humanity in the demand for immediate and unconditional release of all political prisoners in South Africa, our foremost concern is in the fate of our dear comrade James Mange to whom we bow our heads in respect for the heroism and self-sacrifice, and whose murder the fascist oppressors intend to add to their sinister constellation of crimes. We shall not rest until James Mange and all other political prisoners and prisoners of war in South Africa are liberated.

Amandla Ngawethu!

Maatla ke a Rona!

All Power to the People!

Alexander Moumbaris

Stephen Lee

Timothy Jenkin

2.1.80 Lusaka.

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South Africa

RELEASED PRISONERS BANNED

PRISON VISITS

The Dependants Conference of the SA Council of Churches is launching an appeal to enable the families of political prisoners to visit Robben Island twice a year.

Most prisoners are permitted a monthly visit but many families cannot afford the fares, particularly those living in the Transvaal or Natal. A centre has already been provided in Cape Town to accommodate families visiting the Island (see *FOCUS* 24 p. 7).

It will cost R30 000 to pay for one visit by all families, and an appeal for this amount was announced in November by the former Archbishop of Cape Town Dr Selby Taylor at a meeting of the Anglican synod. It is hoped to raise a similar amount from overseas churches to cover the cost of a second visit.

Dr Selby Taylor said that some prisoners never received visits and while the Dependants Conference did not attempt to judge why the men were imprisoned, "it believes it has a work of compassion towards them" (*Post* 28.11.79).

In Johannesburg a campaign to help political prisoners and their families maintain contact has been launched by a group of young men, seven of whom received suspended sentences in the SASM trial.

In December the group said their aim was to get families of political prisoners to write to the prisoners and to publicise their plight. The main task was to trace families "who have disowned the prisoners from the day of detention, trial and while in prison". Because of fear of retaliation from the authorities, the group said, "some political prisoners are buried alive by their families and the black public". So far the group had contacted the families of 30 prisoners; they hoped to call a conference for all families and to establish regional branches. (*RDM* 21.12.79).

PRISON STUDIES

The campaign for political prisoners' study rights reported in *FOCUS* 23 p. 15 collected 9000 signatures for its Prisoners' Education Petition. A deputation consisting of Roman Catholic Archbishop Hurley of Durban, Rabbi Selwyn Franklin, Dr. Ntatho Motlana of Soweto and Adv. Chris Nicholson applied to present the petition to the Minister of Prisons Louis the Grange.

In December the Minister refused to meet the deputation, saying that there were other priorities in a sound and disciplined prison system besides education, and that the present restrictions on post-matric studies by political prisoners might be relaxed "if circumstances change". (*Diakonia News* Dec. 79; 21.12.79).

In May 26 political prisoners were pursuing such studies, started before the restrictions were announced. Only 60 non-political offenders were engaged in similar studies, including 14 women in Kroonstad. (*Debates* 25.5.79).

Four men who have served long sentences in Robben Island have been released from prison and placed under banning orders:

- Andrew Tukuza MASHABA (56) was jailed for 15 years in 1964 as accused No. 1 in the second Rivonia Trial of ANC members under the Sabotage Act.

His ban was issued on 14 September and expires on 30 September 1981. It restricts Mr Mashaba to Johannesburg and prevents him from entering educational institutions, factories and Coloured or Indian areas. He is prohibited from all social gatherings.

In July Mr Mashaba was taken from Robben Island, where he served his sentence to Leeuwkop Prison near Pretoria and transferred to a Pietersburg prison on 13 September from where he was released on 17 September and, according to his wife Mrs Caroline Mashaba (who was herself banned until 1977) told to make his own way to his Soweto home. (*Post* 26.11.79) (For details of Mashaba's conviction see *Prisoners of Apartheid*, IDAF, 1978).

- John Edward MATTHEWS (66) of Johannesburg, who was jailed for 15 years in 1964 for sabotage activities with Umkhonto we Sizwe (ANC), was released in December and banned for three years, restricted to the Johannesburg magisterial area (*Post* 20.12.79).

- Sisa NCAPAYI (40) of Cape Town, who was jailed for 12 years in 1967 as a PAC member for recruiting youths for military training, was released in July and sent to the Transkei. No further details were reported (*Post* 16.7.79).

- Eddie DANIELS (50) jailed in 1964 for 15 years under the Sabotage Act for activities with the African Resistance Movement (ARM).

He was transferred to Pollsmoor Prison and released on 16 November and taken to Cape Town security police HQ to be served with a five-year banning order preventing him from leaving the Cape Town area or entering factories, schools or African areas. He has to stay at home at weekends, public holidays and from 6 p.m. to 6 a.m. daily.

Eddie Daniels is now staying with his brother in Cape Town. His 17-year-old son Donovan told the press "My father is still committed to a non-racial South Africa. His ideas have not changed since his imprisonment".

A month after his release Daniels was in court charged with breaking his ban on 22 December. No evidence was led and he was due to appear in court on 10 January (*CT* 16/17.11.79, 25/28.12.79).

Other political prisoners whose sentences expired in 1979 are believed to have been released, although no reports of their release or banning have been recorded. They include: Levy MOLEFE and Peter MAGANU, convicted with Mashaba; E.M. SIGWELA and D.W. LUTHULI, ANC members sentenced in 1969. N.N. VIMBA and D.G. MAHANJANA, Unity Movement, sentenced in 1972.

ROBBEN ISLAND

In July the Prisons Department stated that Robben Island security prison would be transferred to Leeuwkop Prison, when a special extension had been built. In September the Prime Minister P.W. Botha told the Cape Nationalist Party Congress that the Island was to be handed over to the Defence Force when vacated by the prison authorities.

The construction of the extension to Leeuwkop is expected to take five to six years, and a spokesman said it had not been decided whether the non-political prisoners now on the Island would be removed to Leeuwkop also. (*S. Post* 29.7.79; *BBC* 28.9.79).

Later the Deputy Commissioner of Prisons, commenting on the escape from Pretoria (see above) said that "In spite of the natural security offered by the island, it is a very expensive place to imprison people". (*RDM* 24.12.79).

The new Minister of Prisons Louis le Grange visited all the larger South African prisons in October, including Robben Island. Among others he met Nelson Mandela and said he was satisfied that Mandela was being well treated. (*Post* 31.10.79).

NELSON MANDELA

In November, Nelson Mandela, ANC leader imprisoned for life on Robben Island, was awarded the 1979 Nehru Award by the government of India.

The award, worth \$12 000, is for outstanding contributions to international understanding and was made to Mandela, stated India's Vice-President, for his contribution to the liberation struggle. (*CT* 14.11.79).

In September Mandela was awarded an honorary law degree by the University of Lesotho (*DN* 26.9.79). In the same month Dr. Owen, former British Foreign Secretary on a private visit to South Africa was refused permission to visit Mandela (*GN* 20.9.79). Mandela was, however, visited by the Minister of Prisons (see above). In November, Mandela spent a day at Woodstock Hospital, Cape Town, for a minor surgical operation (*S. Post* 18.11.79).

The Methodist Church of South Africa at its annual conference in October, called for the release of Nelson Mandela and other political prisoners, and an amnesty for all those forced into exile (*Post* 26.10.79).

LIZO PITYANA BANNED

Former detainee Lizo PITYANA of Port Elizabeth was banned for five years in December under an order placing him under 6 pm — 6 am house arrest and prohibiting him from receiving any visitors except his mother.

The ban also prohibits him from entering any other township in Port Elizabeth except New Brighton, where he lives, presumably on account of Mr Pityana's activities as vice-president of the Port Elizabeth Black Civic Organisation (PEBCO). The ban comes at a time when PEBCO is under attack for its alleged influence on African workers at Ford plants in Port Elizabeth (see *FORD WORKERS CHARGED*).

Lizo Pityana is younger brother to Barney Pityana, now in Britain (*S. Post* 23.12.79).

WOMEN JAILED

On 29 November the Appeal Court dismissed the appeals of Ilona Kleinschmidt and Jacqueline Bosman against conviction and sentence for refusing to answer questions about a visit to banned Mrs Winnie Mandela (see *FOCUS* 17 p. 7: 23 p. 14).

Mrs Kleinschmidt was sentenced on 12 May 1978 to 3 months' imprisonment and Mrs Bosman on 18 May 1978 to 4 months'. Both

women began their sentences at Johannesburg Fort on 14 December.

In presenting the appeal lawyers argued that witnesses were entitled to protection against possible self-incrimination, and that the sentences were excessive. Two others who also refused to testify against Mrs Mandela, Helen Joseph and Barbara Waite, had their sentences reduced to 2 weeks and 2 months respectively (see *FOCUS* 17 p. 7). These arguments were rejected (*RDM* 21/30.11.79; *GN* 14.11.79).

BANISHMENTS

• Rev. Mogenthou D. MDOLO of Tabankulu, Transkei, was in October banished to Xolobe in the western Tsomo district of the territory. The order states that he may not return to Tabankulu, nor the Ngqeleni area where his Methodist church is, nor Umtata.

Rev. Mdolo was detained for 82 days in April 1979 (see *FOCUS* 23 p. 11) and on his release laid charges against the Transkei Minister of Justice and the security police for unlawful detention (*Voice* 28.10.79; *Post* 2.11.79).

• Chief Solomon LION (69) of Maboloka district in Bophuthatswana was banished from Maboloka near Brits to a remote village near Kuruman (*Post* 23.12.79).

Chief Lion was detained on 22 August for "illegally entering the homeland" and later charged. Lion was deposed from his position for opposing Bophuthatswana, and deported to Lesotho (see *IDAF Fact Paper 4, BOPHUTHATSWANA, 1977*).

CONTRAVENTIONS

• Govin REDDY (35) banned at the end of 1976 (see *FOCUS* 24 p. 6) was in December convicted of contravening his banning order by holding a dinner party at his home on 8 June 1978.

He was sentenced to 30 days in jail, suspended for three years. (*RDM* 12.12.79)

• Aubrey MOKOENA has been again accused of breaking his banning order (see *FOCUS* p. 6) where he was acquitted on an earlier charge of failing to notify police of his change of address).

The case was heard during September and November in Johannesburg, when Mr Mokoena was charged with having attended two church meetings in May 1979, and was adjourned to 17 January (*Post* 12.9.79; *RDM* 30.11.79).

• The case against Thandisizwe MAZIBUKO, charged with breaking his banning order by attending meetings in Soweto and Benoni (see *FOCUS* 24 p. 6) was adjourned to 4 February 1980. Problems arose for Mr Mazibuko because his lawyer, Mrs Priscilla Jana, is also banned and he was unable to communicate with her. (*Post* 7/9.9.79; 8.11.79).



Banned journalist Juby Mayet with two of her daughters. Widowed Mrs. Mayet, six of whose eight children are still at school, has been unable to find a job since she was banned from her work on the *VOICE* newspaper (see *FOCUS* 20 p.8). Money from Amnesty International was used to buy a knitting machine, but garments are difficult to sell. According to her son Ebrahim "my mother does not want charity or handouts. She wants work" (*Post* 19.10.79; *RDM* 20.12.79).

FORD WORKERS CHARGED

On 20 December a total of 24 employees from the Ford motor assembly works in Port Elizabeth appeared in court charged under the Riotous Assemblies Act. Bail was set at R50 on condition they did not enter Ford premises and the case was postponed to 29 January (*CT* 21.12.79). The case takes place against a background of worker unrest in Port Elizabeth.

Held under the 14-day General Law Amendment Act, most of the accused were detained on 5 December following a mass meeting of Ford workers when, police allege, some workers who had returned to work were threatened. (*CT* 8.12.79). Others were detained later, and some were released, leaving 24 to face charges.

The arrests followed a month of difficulties at the Ford plants, indicative of black worker militancy and the formation of a black Civic Organisation (PEBCO) in Port Elizabeth's African townships. The trouble began at the end of October when Mr Thozamile Botha, a trainee draftsman at Ford's Struandale plant, was told to choose between his job and his position as chairman of PEBCO, and resigned. The rest of the 738 black employees promptly walked out in protest at what they regarded as victimization, although Fords denied this and quickly agreed to reinstate Mr Botha unconditionally (*Post* 1.11.79; *CT* 3.11.79; *Voice* 11.11.79).

A white worker 'backlash' then began. On

10 November, over 200 white workers from all four of Ford's PE plants threatened to strike against the racial integration of the plant and what they regarded as favoured treatment of the black labour force. Fords agreed to a full-scale investigation into the grievances.

On 13 November black workers at Struandale staged another walk-out, demanding equal hours for all workers rather than some on overtime and some on short time. They also demanded the implementation of the company's stated policy of equal pay for equal work, complaining that white workers were favoured. They also objected to segregationist attitudes among white workers.

The men returned to work the next day following management agreement to talks, but decided to boycott the canteen because of white criticism of black 'abuse' of integrated facilities. They were joined by the 300 workers from the adjacent engine plant.

(Fords, one of the largest US companies, has attempted to improve its image as an employer of black labour by adhering to the "Sullivan Code" which guides US investors' employment policies. To this end it is training and promoting more black employees and integrating canteens and toilets).

To this walkout the company responded by announcing that those who had left or refused to do reasonable overtime would be regarded as having resigned. The police riot squad was called and workers told to work or get out. After the final ultimatum the workers "stood up en masse and surged through the gates shouting 'we're sacked!' and raising their hands in the black power salute" (*FM* 23.11.79; *Star* 24.11.79). They then decided to form a

committee, affiliated to PEBCO, to negotiate their reinstatement with the company.

Other strikes took place at the General Tire plant (owned by General Motors) where black workers were searched on leaving the canteen lest they steal the spoons. In response to the strike on 19 November, the workforce of 625 at General Tire was sacked on 22 November.

That evening a joint mass meeting of over 1000 Ford and General Tire workers was held in New Brighton, chaired by Thozamile Botha. The meeting agreed that the workers of both factories would only return if all were reinstated. (*RDM* 24.11.79) On 13 December it was reported that General Tire had agreed to reinstate all their former employees, though this was contradicted by other reports suggesting that a minority of workers, presumably identified as 'agitators' would not be re-employed (*RDM* 14.12.79; *CT* 12.12.79).

On 5 December the Ford workers decided they would return only if reinstated in their old positions and paid the bonuses due to them. It was this date on which the first 20 of those arrested were detained by police on the grounds that they were 'intimidating' other workers. Management refused to pay the bonuses and the remaining workers reaffirmed their demand and decided to stay out until January. (*CT* 8.12.79) The company therefore started its annual Christmas shutdown on 14 December with the dispute still unresolved.

The arrests appear to have been partly directed against PEBCO (see also under *Bannings*). The organisation stated that the security police who conducted the raids which led to the detentions demanded and confiscated PEBCO membership cards (*S Post* 9.12.79).

On 10 January it was announced that Fords had agreed to reinstate all workers. (*MS* 11.1.80).

SOUTH AFRICAN EXILE ARRESTED IN TRANSIT

An application has been made to the SA Supreme Court seeking the release from detention of Zinjiva Winston Nkondo (Victor Matlou) who was seized by SA Police on 12 December when his scheduled Lesotho Airways flight from Maputo to Maseru was forced to land at Bloemfontein due to engine trouble. He was arrested at the Ladybrand border post while he and the other passengers were being taken to Maseru by bus, and is being held in Bloemfontein under the Terrorism Act.

Nkondo is a South African refugee who was granted asylum by Tanzania and is now with the ANC Dept. of Information and Publicity. In 1975-6 he was held in solitary confinement for 384 days (see *FOCUS 1 p.2*) after which he left the country. He is also a poet and brother to Curtis Nkondo, president of the Azanian People's Organization (AZAPO) (*RDM 15.12.79*).

The ANC condemned the arrest, calling it adding "if Pretoria is allowed to get away with this unprecedented violation of international law, no air traveller in Southern Africa will be safe". The case is to be taken up with the UN

and the OAU. Under international law, when a ship or plane is forced to an unscheduled stop, it is accepted that the country concerned does not exercise jurisdiction. (*ANC Statement 13.12.79; GN 14.12.79*).

The Supreme Court application is being brought against the Minister of Police by Curtis Nkondo on the grounds that the detention infringes the territorial integrity of Lesotho. The application is accompanied by affidavits from members of the Lesotho Government and others. On 4 January the application was adjourned for further investigation. (*GN 31.12.79; RDM 5.1.80*).

NEW DETAINEES

Additional to previous FOCUS lists

GLA = General Laws Amendment Act (14-day detention); TA = Terrorism Act detention

Approx. date	Place	Name (age)	Details (where known)
16.9.79	Soweto	Adam Tiekie MASAKE (17)	listed as 'youth (17)' in <i>Focus 25</i>
3.10.79	Durban	15-year-old girl	held 'in connection with bomb scare at Durban girls' high school'
12.10.79	Johannesburg	Barend SCHUITEMA	Alleged 'co-conspirator' of Breytenbach arrested on arrival in SA.
18.10.79	Venda	Thabo MAKUNYANE (24)	Turfloop student; GLA.
1.11.79	Ciskei	L.F. SIYO	leader of Opposition Alliance.
early Nov.	Transkei	Patrick M. DALINDYEBO	son of Chief Sabata (see under <i>POLITICAL TRIALS</i>)
early Nov.	Transkei	Waters TOBOTI	former Robben Is. prisoner (PAC) and member of Transkei opposition
13.11.79	Cape Town	11 members of drama society	arrested while studying a play; GLA
16.11.79	Pietersburg	P. Veronica VUKELA (23)	Turfloop student; GLA
19.11.79	Pietersburg	Mfundo Nhlanhla NDEVELE	Turfloop student; TA
20.11.79	Warmbaths	Ephraim Charles MOGALE	President, Congress of South African (school) students (COSAS); TA
20.11.79	Soweto	Motise METSENG	COSAS executive members
20.11.79	Krugersdorp	One other	
23.11.79	Soweto	Vusi GQOBA (21)	COSAS National Organiser.
27.11.79	Port Elizabeth	Baby TYAWA	COSAS executive member
27.11.79	Port Elizabeth	Wantu ZENZILE	COSAS executive member
21.11.79	Umtata	Monde MDITSHWA	Masivelane Relief Fund
23.11.79	Soweto	Nine people	arrested in connection with pamphlets (see <i>DALINDYEBO trial</i>)
		Moses MAHIGO (22)	
		Reggie S. NIKIWE	
late Nov.	East London	Jacob Tsietso MALEHO	churchman and BPC activist previously detained Oct. 1977 and acquitted of political charges in May 1971 (see <i>FOCUS 14 p.13; 23 p.9</i>)
		Mandla GXANYANA	member of Democratic Progressive Party held after clash with police at Ntlenzi.
early Dec.	Transkei	Chief Gwebizilwane SIGCAU	held in connection with mass meeting of Ford strikers; GLA (see <i>FORD WORKERS</i>)
early Dec.	Port Elizabeth	21 Ford workers	see above
13.12.79	Bloemfontein	Zinjiva NKONDO	former teacher cited in trial of Aitken
mid-Dec.	Pretoria	George MOLEBATSI	Ramudzuli in 1978 (see <i>FOCUS 15 p.4</i>)

PEBCO MEN DETAINED

Following the walk-outs by African workers in Port Elizabeth (see under *FORD WORKERS CHARGED*) four members of the Port Elizabeth Black Civic Organisation (PEBCO) were detained by security police.

They were Thozamile BOTHERA, PEBCO chairman, Phalo TSHUME, secretary, Mono BADELA, *Post* reporter and Dan QEQUE, garage owner and sports administrator. All were held initially under the General Laws Amendment Act and then transferred to Terrorism Act detention (*CT 16.1.80*).

PEBCO vice-president Lizo Pityana was banned in December (see p.3)



Thozamile Botha, detained chairman of PEBCO

TRANSKEI DETENTIONS

A former member of the Black Community Programmes (BCP) Nimrod MKELE was arrested in the Transkei on 30 November and held for a month by the security police.

Mr Mkele visited Transkei to investigate the confiscation of property belonging to the BCP and other organisations banned by the Transkei. On his release he was 'deported' from the territory for "involving himself too much in politics" (*DN 3.12.79; NW 1.1.80*).

In January a *Daily News* reporter Peter HONEY was detained by Transkei security police in connection with an article he had written suggesting that the Transkei Attorney-General G.B. Muller would be dismissed because his views were considered too liberal. The Police Commissioner was quoted as saying that Mr Honey would be held "until he talks" (*CT 16/17.1.80*).

POLITICAL TRIALS

It is estimated that a total of 35 security trials took place in 1979, with 148 persons accused (*FM 30.11.79*). Of 33 major cases reported by FOCUS as having concluded in 1979 (others are still in progress, *see this issue*) 81 persons were convicted and imprisoned (with some being freed on appeal) and 30 were either acquitted or given suspended sentences.

Those imprisoned include Johnson Nyathi, one of the accused in the PAC Bethal trial who was sentenced to 10 years and then to a further year "for attempting to escape" (*see FOCUS 25 p.12*) Nyathi claimed that he had been assaulted and thrown from a window by Krugersdorp security police. The PAC trial was delayed several months while Nyathi recovered from his injuries.

The only person sentenced to death in 1979 was James Mange (*see this issue*) but in April Solomon Mahlangu, ANC militant, was hanged (*see FOCUS 22 p.1*).

Among those freed was Jefferson Lengane, Soweto student accused with the SASM Eleven and given a suspended sentence in April (*see FOCUS 22 p.2*) Lengane was then charged again, with three others, but charges were eventually withdrawn (*see FOCUS 25 p.12*). Both trials related to the uprising of 1976.

The families of the four Soweto students imprisoned at the end of the SASM trial have been told to move to a Bantustan in preparation for the release of their children, who will be forbidden to remain in Johannesburg, as is customary with released prisoners. According to the Dept. of Co-Operation and Development, the department had in the past "assisted prisoners who are released to re-establish themselves" by finding a place where the ex-prisoner can legally reside and a suitable job. Families are also approached and asked if they want to join those released in the homelands (*Post 14.11.79*).

The *Sunday Post* interpreted this move as a way of gaining credibility for the Bantustan programme and good publicity for P.W. Botha's government, if early release for the Soweto students is contemplated. Cautioning the families against moving, the paper stated "These students went to jail for a reason. They accepted this as a possible consequence of fighting in present day South Africa for something they genuinely believe in. By going to jail they do not necessarily believe they have lost anything". (*S. Post 18.11.79*).

The four students are Sechaba Montsitsi (four year term) Maphison Morobe (three years) Susan Mtembu (two years) Seth Mazibuko (two years). Convicted of sedition, they may be eligible for remission or parole.

Later it was reported that families of other imprisoned students have also been 'advised' to move out of Soweto. Those known to the press included the families of:

Henry Afrika	} both jailed for four years in 1978 for having banned literature
S. Phillip Ngwenya	

Canzi Lisa, jailed for five years in 1978 for distributing leaflets.

Naledi Tsiki, jailed for 14 years in 1978 as a guerilla.

Jerome Kodisang, jailed for 5 years in 1979 in PAC trial.

Michael Khala, jailed for 7 years in 1979 in PAC trial.

And the family of Mrs Elizabeth Gumede, jailed for five years in 1979, have been threatened with eviction from their Soweto house on the grounds that the registered tenant was no longer living there. Township regulations do not normally allow tenancies to be transferred to single people (*Post 28.11.79*).

PIETERMARITZBURG 12

As reported briefly in *Focus 25*, the twelve ANC members accused of high treason were on 15 November convicted and sentenced.

James MANGE was sentenced to death and the others to a total of 184 years' imprisonment. Sentences are as follows: Tladitsgae MOLEFE (23) 18 years' plus one year for contempt of court; John Mofokeng SEKETE (24) Jeffrey Ramasake LEGOABE (30) Thibe Jimmy NGOBENI (27) Bennet KOMANE (46) Titus MALEKA (25) Sydney CHOMA (23) Mandla Jack MTHETWA (22) and Mandlekosi HADEBE (27) — all 16 years' imprisonment plus one year (concurrent) for contempt; Andrew MAPHETO (20) 14 years' imprisonment plus one year for contempt; Vusimuzi Nicholas ZULU (28) 13 years plus one year for contempt.

Hadebe and Mthetwa were found not guilty on an additional charge of incitement to murder. The 42 alternative counts of terrorism against the accused were dropped as they were agreed to duplicate the treason charges. (*CT 16.11.79*).

James Mange (*see below*) and Vusimuzi Zulu applied for leave to appeal against sentence (*DN 22.11.79*).

The twelve accused were all said to be ANC guerillas trained in Angola, USSR and elsewhere but were accused of various different acts in what amounted to a consolidation of trials. Sekete was said to have been involved in an armed clash between ANC guerillas and South African security forces near Witkleigat on 1 August 1978, and Molefe to have taken part in an armed clash near Madimola on 27 October 1978. Legoabe was said to have been in possession of arms in Soweto in March 1979. Ngobeni and Mapheto were accused of having reconnoitred and established arms caches in the Transvaal during 1978, while Komane was said to have reconnoitred and been in possession of arms at an unknown date. Maleka and Choma were charged with establishing arms caches near Dennilton in the Transvaal in February 1979. Hadebe and Mthetwa were said to have brought arms into Msinga and other districts of Natal. Zulu was accused of reconnoitring a pipeline near Merebank, Natal, while Mange was accused of planning to attack a police station and court at Whittlesea, Cape Province.

At least nine separate guerilla actions, taking place in various parts of the country, were thus described in the indictment, and the accused had been arrested at different times and different places.

None was charged with having caused death or injury and the trials were brought together

presumably to demonstrate the security forces' ability to intercept guerilla infiltration into South Africa.

The trial was described by the Pietermaritzburg Council of Churches as an "appalling tragedy, brought about by the disastrous policies which have been pursued in this country for many years" (*Voice 18.11.79*).

In a statement, the ANC said the sentences "vindicate in no uncertain terms the United Nations' unanimous conviction and declaration that apartheid is a crime against humanity" and demanded that the Pietermaritzburg 12 receive prisoner-of-war status and treatment. (*ANC National Executive Committee statement, Lusaka, November 1979*).

JAMES MANGE

Mncedisi James Daniel MANGE, sentenced to death at the end of the Pietermaritzburg 12 trial (*see FOCUS 25 p.11*) aged 24, from Soweto, was charged with having received guerilla training in Angola and the Soviet Union, and with having returned to South Africa in July 1978 to reconnoitre various targets at Whittlesea.

He was said to have returned again in October 1978 to make arrangements for an attack. On this trip, according to an unnamed witness, Mange was dressed in clerical garb; the car in which he, the witness and another man were travelling from Soweto was stopped by traffic police in Warmbaths on their way to collect arms. In detention, the witness said he received a note from Mange describing his interrogation, urging him not to make a statement "even if tortured". The note ended "You are safe. Try and be vigilant". The witness confessed, however, after being assaulted by security police in Pietersburg (*RDM 20.10.79*).

Mange was also said to have shown "expert knowledge of artillery" by fixing the jammed breech-block of a Soviet anti-aircraft gun captured by the SADF when a South African officer was unable to rectify the fault. (*NW 15.11.79*).

In the application for leave to appeal against Mange's sentence, it is argued that the judge ought to have taken into account the lack of constitutional means available to them for social and political reform, and that he ought not to have regarded as "of no significance" the fact that the acts were done in the name of social justice and political reform. Further, Mange had not caused death, injury, or damage to property, had not had weapons in his possession when arrested and had not used weapons or explosives at any time in South Africa.

The application, presented by Mr. S. Kentridge, is expected to be heard some time in January (*NW 29.11.79*).

James Mange's fiancée, Ms Dipuo Moerane, of Soweto, was released from nearly a year in detention (*see FOCUS 20 p.13*) at the conclusion of the trial. She and Mange have a three-year-old son, Prince Lehlohonolo (*Voice 18.11.79*).

M. J. MAGUDULELA

Madala Jim MAGUDULELA (41) accused under the Terrorism Act (*see FOCUS 25 p.12*) was on 20 November convicted in Kempton Park Circuit Court and sentenced to five years' imprisonment.

He was alleged to have taken to Swaziland in November 1976 several youths who joined the

ANC and received military training in Africa and the USSR before returning to South Africa. A witness told the court that the group had been arrested in March 1978 in Warmbaths. The judge admitted a statement by Magudulela which the accused claimed he had signed after being tortured with electric shocks. He was arrested in 1 February 1979 and first appeared in court on 24 August (*Post* 12.10.79, 12.11.79; *RDM* 13/21.11.79).

NGOBESE AND OTHERS

The trial of three young men and a woman on Terrorism Act charges concluded in Durban Regional Court on 4 December.

Sithembiso Ernest NGOBESE (26) and Themba Patrick NXUMALO (26) were convicted of inciting or assisting others to go for military training (*see FOCUS* 25 p.12) and jailed for five years.

Sibongile Albertina KUBHEKA (27) was acquitted. Eric Fanavele MLABA (22) previously acquitted on the same charge, was acquitted of a further charge of attempting to go for military training himself, as were Ngobese and Nxumalo.

The court found that Ngobese had incited three people to leave South Africa and Nxumalo had given money to those intending to leave (*CT* 5.12.79).

The only evidence against Ms Kubheka was not accepted by the judge. (*RDM* 5.12.79).

BABINI PIKASHE

Democratic Progressive Party executive member Babini PIKASHE (49) of Engcobo (*see FOCUS* 23/25 p.12 and p.12) was on 17 December convicted on two counts under Transkei security legislation and fined a total of R200 or 200 days' imprisonment in Umtata Magistrates Court. He was also sentenced to 50 days (suspended) on each count (*RDM* 18.12.79).

Pikashe, who first appeared in court on 24 September when he was allowed bail, was charged with having violated the dignity of the Transkei President in April 1979 in a letter he wrote to "Intsimbi" newspaper complaining that the President wished to deliver the people to an authoritarian police state (*DD* 25.9.79). Pikashe was also charged with subverting the authority of the chiefs by saying they should be excluded from parliament. Pikashe repeated his statements in court when the trial opened on 1 November, and was duly convicted.

MATHABANE and MATHIBE

Charges of possessing a banned pamphlet were on 29 October withdrawn against Catherine MATHIBE (29) of Soweto (*see FOCUS* 25 p.12) in Johannesburg Regional Court. (*Post* 30.10.79).

The case against Jaconia Babsy MATHABANE (32) a teacher also of Soweto was heard on 3-4 December in the Regional Court when Mathabane was fined R120 and two months' imprisonment (suspended). He was convicted of possessing two copies of *Sechaba* (ANC) eight copies of *Workers Unity* and one copy of *Mayibuye* (ANC) and acquitted of possessing four dozen ANC stickers. The pamphlets were discovered by police during a security police raid, the police witness stating that they conducted similar searches "virtually every night" (*RDM* 5.12.79).

APPEALS

PANTSHAWA, JACK and SINGISWA

The appeal of three young men from Cape Town convicted of arson in 1978 and sentenced to five years' under the Sabotage Act (*see FOCUS* 17 p.3, 19 p.4) was dismissed in the Supreme Court on 19 November.

Joseph Mxolisi PANTSHWA (23), Mziwake Solomon JACK (19) and Sipho SINGISWA (20) were convicted of setting fire to Sizamile High School, Nyanga, on 24 August 1977, causing damage estimated at R1000. They appealed against conviction and sentence on the grounds that too much weight had been given to evidence by state witnesses (*CT* 20.11.79).

MOKAE and TLELIMA FREED

Two members of the Young Christian Worker organisation in Kroonstad who were convicted under the Terrorism Act in February 1979 were freed by the Orange Free State Supreme Court on 19 November when their sentences were set aside.

Petrus MOKAE and Jacob TLELIMA had been sent to Robben Island after being sentenced to five years' under the Terrorism Act. (*see FOCUS* 21 p.9) The Catholic Bishops Conference of South Africa expressed its joy at the decision, saying "the successful appeal is a vindication of our belief, expressed at the time when harassment of the YCW began in May 1978 that these young men had been taught nothing else by the YCW than to stand up for the rights of workers in our country". Mokae and Tlelima were detained in June 1978. (*RDM* 22.11.79).

MABASO APPEAL SUCCEEDS

Elias Jimmy MABASO (23) of Sebokeng, who was convicted of sabotage with five others in May 1978 (*see FOCUS* 17 p.3) and jailed for five years, had his sentence set aside by Pretoria Supreme Court on 30 November.

The court agreed that there had been "gross irregularities" during the proceedings before the regional magistrate, who did not explain the charge sheet to Mabaso and his co-accused. Mabaso also claimed that he had pleaded guilty because the police promised to release him. He has served part of his sentence in Leeuwkop Prison (*RDM* 1.2.79).

Following his conviction for sabotage, Mabaso was charged and acquitted of arson and murder (*see FOCUS* 24 p.2).

SENTENCE REDUCED

On 20 December the Supreme Court heard an appeal against conviction and sentence of two Cape Town men convicted of recruiting youths under the Terrorism Act in February 1978 (*see FOCUS* 15 p.2).

Mountain QUMBELLA (48) had his sentence of ten years reduced to six on the grounds that he had not encouraged some of the youths to leave the country nor assisted them to do so. The ten year sentence of Qumbella's co-accused Mathews Lumko HUNA (27) also of Guguletu, was confirmed by the Supreme Court (*CT* 21.12.79).

CONTINUING TRIALS

CHIEF DALINDYEBO

The trial of Paramount Chief Sabata DALINDYEBO of the Transkei on two charges under the Transkei's security legislation (*see FOCUS* 25 p.11) has been postponed to 14 March.

The trial had been set for 9 November in Port St. Johns amid great security precautions. All gatherings in the Transkei were prohibited until the end of the trial, and three sons of Dalindybo were taken into detention, two being later released. On the eve of the trial Chief Dalindybo was taken to hospital in Umtata suffering from diabetes and hypertension. The trial was postponed and bail renewed on condition the Chief reports to the police every morning. (*Post* 1.11.79; *DN* 8.11.79; *DD* 8/9.11.79)

Pamphlets circulated in Transkei calling on students and workers to stay at home on 9 November in sympathy with Chief Sabata, "a man of peace who will be appearing in court for speaking the truth construed as treason". Those who defied the boycott were warned "when our army dethrones Matanzima you also will be doomed" and students were urged to "involve ourselves totally to the liberation struggle. We have been quiet for so long that KD (Matanzima) thinks all Transkei students are afraid of him. Let us correct this mistake". (*Post* 7.11.79).

FLORENCE MANCOTYWA

Chief Dalindybo's colleague Ms Florence MANCOTYWA (48) publicity secretary of the Democratic Progressive Party detained on 2 July (*see FOCUS* 24 p.6) appeared in court at the end of November and again on 19 December.

She was charged in Umtata Magistrates Court on a charge of making statements to cause hostility between population groups, contrary to the Transkei Public Security Act, and released on R200 bail (*Post* 2.12.79; *CT* 21.12.79).

CHIEF MOSHESH

Chief Jeremiah Moshesh, former Transkei Cabinet Minister detained on 31 August (*see FOCUS* 24 p.5) appeared in Mount Frere Magistrates Court on 19 September charged under the Transkei Public Security Act with subverting or interfering with the authority of the state. The maximum sentence is three years.

Chief Moshesh was remanded to 22 November on R500 bail. On that date the trial was set for 22 January in Umtata Regional Court.

Chief Moshesh, hereditary leader to the Basotho, was a member of the Transkei 'government' from 1973 to 1978 and then joined the Transkei Progressive Party which later merged with the Democratic Party to form a broad opposition to Chief Matanzima. (*Post* 3.10.79; *RDM* 23.11.79).

BHEKITHIZA NQUBELANI

The trial of Bhekhithiza Oliver NQUBELANI (26) accused of placing a bomb in Cape Town Supreme Court in May was in October postponed to 8 February (*see FOCUS* 25 p.12).

The indictment alleges Nqubelani was trained in Angola and Botswana, was found in possession of 2 kg of explosives and attempted to kill members of the public. He was legally represented by Adv. B.M. Kies, who has since died (*see trial of SCHROEDER and OTHERS below* (*Voice* 21.10.79)).

BENTLEY and MZINYATHI

The Terrorism Act trial of actor Bingo BENTLEY (46) of Eldorado Park and Archibald Monti MZINYATHI (24) of Soweto (*see FOCUS* 25 p.12) was postponed to 12 February by Krugersdorp Regional Court in November.

Alleged to have been trained by the ANC as a guerilla in the Soviet Union, Mzinyathi is accused of returning to South Africa in 1978 and Bentley is charged with harbouring him until April 1979. The two appeared in court in September, October and November, when state witnesses were brought from detention to give evidence in camera. One stated he had met Mzinyathi at "an ANC refugee camp" in Lesotho in 1977; another described helping Bentley to hide Mzinyathi at a farm in Leslie, Eastern Transvaal, and at the Bentleys' house (*Post* 20/21.9.79; *S. Post* 14.10.79; *RDM* 22/23.11.79) Bentley and Mzinyathi were both arrested on 9 April and held at John Vorster Square Police HQ (*see FOCUS* 23 p.12 where Bentley's name is given as MBONJENI).

MATHABE and OTHERS

The Terrorism Act trial of four members of the Soweto Students League continued in Kempton Park Circuit Court (see *FOCUS* 25 p. 12).

Kedibone Christopher MATHABE (21) Collin Makgalo KOTU (23) Simon MASHIGO (19) and Elias MODIGA (19) have pleaded not guilty to setting fire to a Soweto school in an attempt to kill those inside and other charges of sabotage, arson and public violence.

Evidence was given by Soweto teachers, security policemen present at the funeral of Johannes Matsobane in Sebokeng (see *FOCUS* 19 p. 5) and Soweto students relating to arson threats and the stoning of buses. One witness, warned as an accomplice, described helping Mathabe and Mashigo to throw petrol bombs at a Soweto school. The case was adjourned to 25 February (*RDM* 25/26.10.79; 1/10/14/16/17/20/24/28.11.79, 1.12.79).

SABOTAGE CASE

Three men from the Eastern Cape appeared in East London Regional Court on 23 October charged with sabotage, although the charge sheet had not been drawn up. They are:

Malusi Shepherd MSINGIZANA (25) of Mdantsane, Ntsikelelo Vincent ZONO (25) also of Mdantsane, and Wilson Nceba MBUNGE (30) a taxi driver of Dimbaza (*DD* 24.10.79).

NKUMBI and 17-YEAR-OLD

Two Soweto students accused under the Terrorism Act made a second brief appearance in Johannesburg Regional Court on 29 October. The case against Elias Sana NKUMBI (20) and a 17-year-old YOUTH (see *FOCUS* 25 p. 12) was adjourned (*Post* 30.10.79).

SITHOLE and OTHERS

Seven young men from Durban appeared in the Regional Court on Terrorism Act charges on 29 October and were remanded to 14 January.

Njengabantu SITHOLE (21) Mandla James SIBISI (20) Ramatlotlo MOSES (21) Sitembiso MZUZA (20) one 17-year-old YOUTH and two 16-year-old YOUTHS (see *FOCUS* 25 p. 12) are accused of inciting others to go for military training (*NW* 30.10.79).

MKHWANAZI and OTHERS

Post reporter Thami MKHWANAZI (28) and eight young men from Pretoria townships are on trial under the Terrorism Act (see *FOCUS* 25 p. 12) charged with encouraging youths to go for military training.

The case was heard in Pretoria Regional Court in December when state witnesses gave evidence of discussions about leaving the country, was postponed to 2 January.

Those accused with Mkhwanazi are: Jeremiah

Gkokong MAJATLADI (23) Ronald Ephraim MAMOEPA (18) Lebogang Christy MOKONE (18) Petrus Karel SENABE (22) Andrew Moeti PHALA (18) Deacon Sekibela MATHE (22) Cornelius Maphethi LEEUW (18) and a 16-year-old YOUTH (*RDM* 10/11/12/15.12.79).

SCHROEDER and OTHERS

Four men from Worcester, Cape, are on trial in Hermanus Magistrates Court under the Terrorism Act; charges are believed to relate to the damaging by fire of a church hall. To date few details have been reported.

The four accused are given as R. SCHROEDER, F. PHILLIPS, J. ISSEL and C. JOHNSON. Both Schroeder and Phillips told the court that they had been forced to make 'confessions' by means of coercion. Four policemen denied that the statements had been made under duress; Warrant Officer "Spyker" van Wyk said one of the accused "very freely and voluntarily admitted to me that he had set the hall alight" The case was adjourned to 15 January (*CT* 19/20.12.79).

The accused in this case were being represented by Adv. B.M. Kies, who collapsed in court on 19 December and died (see box).

RENFREW CHRISTIE

In December it was reported that Dr Renfrew CHRISTIE, of the University of Cape Town (see *FOCUS* 25 p. 14) is to be charged with disclosing information relating to nuclear energy in South Africa, although he had not appeared in court by the end of the year.

Newspaper reports indicated that Dr Christie, former NUSAS office bearer who obtained his doctorate at Oxford University and returned to UCT in 1979 to study the South African coal industry, was thought to have compiled reports on the nuclear power station being built at Koeberg and on South Africa's mineral and oil resources, and to have sent these to the ANC. Under the Atomic Energy Act the maximum penalty is 20 years and/or R10,000 fine. (*ST* 23.12.79; *RDM* 24.12.79).

OTHER TRIALS

DEON DU PLESSIS

The assistant editor of the *Star* Africa News Service Deon Du PLESSIS was sentenced to an effective jail term of six months and fined R250 in September.

Du Plessis was jailed for contravening the Official Secrets Act and Defence Act by receiving a file of secret military signals sent from Namibia to Pretoria and to have given these signals to a member of an unspecified foreign secret service. Twelve months of his 18 months sentence was suspended.

On other charges relating to a book du

Plessis wrote about the Rhodesian war 1977-8 he was fined R250 for passing secret information to a publisher. A further charge, for which the sentence was six months (suspended) was that of attempting to publish a rumour, illegal under the Defence Act.

Du Plessis was allowed bail of R2500 pending appeal (*ST* 30.9.79).

ABDUL SAYED

Abdul Quyum SAYED (29) of the *Muslim News*, was on 29 October sentenced to nine months' imprisonment (suspended) for issuing a pamphlet quoting the banned leader of the PAC, the late Robert Sobukwe. The pamphlet was entitled "Heroes of yesterday, martyrs of the struggle" and described the antipass law campaign which resulted in the Sharpsville shootings. It was issued in March 1977.

Cape Town Regional Court said Sayed (represented by Adv. B.M. Kies) should have made sure the pamphlet was legal before printing it. (*CT* 30.10.79).

B. M. KIES

Ben Kies was a leading member of the Cape Town community who was originally a teacher at Trafalgar High School and later a leading advocate. During the 1940s he played a leading role in the Anti-CAD (Coloured Affairs Dept) Movement and the Unity Movement.

On his death a leading article in the *Cape Times* described Mr Kies as "an outstanding representative of the generation of intellectual and political leaders of the so-called Coloured community who were silenced by banning orders and harassed by official victimization in the early years of Nationalist rule after 1948. Being dismissed from the Cape department of education on account of his outspoken political views, and losing his livelihood as a teacher, Mr Kies, as a banned man, then set about building up a second career from scratch, qualifying as an advocate in middle life and becoming a first class practitioner. A man of determination and great intellectual brilliance, Mr Kies was the first member of his community to overcome the customary restraints and barriers of racial discrimination to qualify as a barrister. In the courts he was an indefatigable defender of the poor and the weak and opponents of the apartheid system" (*CT* 20.12.79).

Ben Kies was one of the few Cape Town lawyers to take on defence of political cases (see the trials of *NOBELANI* and *ABDUL SAYED*, this issue). The magistrate and prosecutor in the Hermanus trial both paid tribute to him as a fine lawyer and friend of his court. (*CT* 20.12.79).

MILITARY SERVICE

The South African government has appointed a commission to inquire into the reporting of defence matters and to make recommendations for press legislation. The six-man commission was appointed by Mr P.W. Botha in his capacity as Minister of Defence on 5 December 1979 and is to report by 15 March 1980.

The Prime Minister's statement asserted that "South Africa is entering a new phase of the total onslaught on its survival, which is being waged on the military, political and psychological fronts", in which the communications media play "an extremely important role in building up or breaking down the nation's morale", and drew attention to "the gradual and systematic demigration of the SA Defence

Force (which) has become a priority objective of our enemies and their agents" and "is manifested by malevolent efforts to question the very essence of military service, the right to self-defence, the procurement of armaments and the development of an own armaments industry and capability". (*CT* 6.12.79)

Among the members of the Commission are Maj. Gen. Neil Webster of the SADF, Mr K. von Lieres, state prosecutor at the Biko inquest and SASM Eleven trial and a part-time (CF) senior staff officer in the 7th Infantry Division, who was called up to serve in Angola in 1975, and Mr L.C. Masterson, an advocate and CO (CF) of the Cape Town Rifles. (*S. Ex.* 30.12.79)

The Defence Act already precludes the press from reporting on most military matters without the approval of the SADF, and it is thought that the inquiry is chiefly concerned with press reporting of ill-treatment of conscripts (there have been recent cases of accidental deaths in training) and of efforts to establish alternatives to military service. (*RDM* 18.12.79)

Conscientious objection to military service is not recognised in South African law and young men who refuse to serve on either religious or political grounds may be sentenced to up to three years in army detention barracks. In August 1979 the SADF detention centre at Voortrekkerhoogte held 64 such prisoners, all Jehovah's Witnesses. (*ST* 26.8.79).

Since 1975 there have been at least 2343 convictions for refusing to do military service. A recent case is that of Peter Moll (23) who was in December convicted for a third time (having been previously fined and given a suspended sentence) and was jailed for 18 months, later reduced to one year (*CT* 20.12.79; 8.1.80).

In response to his call-up papers, Moll wrote an open letter to his Commanding Officer, saying that he was "unable in conscience to defend" the fundamental injustice of South African apartheid society. Quoting Luther and Calvin, he also claimed the Christian right to disobey a government that did not accord with the word of God (*CT* 5.12.79).

namibia

SOUTH AFRICA DECLARES "AMNESTY"

On 5 December 1979 the SWA National Assembly adopted proposals put forward by the Administrator General, granting an "amnesty" to SWAPO guerillas. As has been the case with "amnesty" or "cease-fire" proposals put forward in the past by the illegal regime in Rhodesia (*eg see FOCUS 15, p.10*), the Namibian arrangements are hedged about with qualifications and in fact amount to little more than a call to surrender. As such they have been condemned by SWAPO itself.

Under the terms of the proposals, persons who have been involved in "terrorist activities" in the Territory and voluntarily give themselves up to the Military Police or another government authority will be granted an indemnity certificate. They will, however, have to voluntarily subject themselves to 30 days in detention for the purposes of identification, health measures and the process of re-admission to civilian life. The certificate will be issued by the Administrator General or a person authorised by him. No civil or criminal action in a court of law or other court, and no detention order

in terms of any Act will be carried out against the holder of the certificate for activities that occurred prior to the issuing of the certificate. (*WA 5.12.79*) The indemnity arrangements will not be applicable to those who have caused deaths or serious bodily harm other than in armed combat with the security forces.

Demands by members of the National Assembly that the amnesty should be extended to political prisoners on Robben Island and to those still held in detention since being captured during the South African raid on Cassinga in Angola in May 1978 (*see FOCUS 17, p.8*) were rejected by the Administrator General, Dr. Viljoen. Dr. Viljoen said that since taking office he had made a thorough study of SWAPO members being held on Robben Island, and the possibility of granting them amnesty. "I am convinced that this is not desirable at this stage" he said. "The offer of amnesty guarantees that people will not be prosecuted as a result of their deeds. The inmates of Robben Island have been convicted by courts of law for crimes. For that reason,

they did not qualify". (*RDM 7.12.79*).

In a statement criticising the proposals, SWAPO pointed out that SWAPO detainees were still being held under various security proclamations and had never been brought to trial. The statement accused the Administrator General of trying to create dissension within SWAPO. He was "a man who is in favour of the arrest of SWAPO members and supporters without trial, and on the other hand is trying to be Mr. Amnesty towards us". (*WO 8.12.79*).

Other political groups such as the Namibian National Front and SWAPO Democrats said that the amnesty proposals held little credibility while SWAPO detainees and prisoners of war were still being held in custody without being brought to trial. They described the move by the Administrator General as a publicity stunt and as an obvious attempt to bring about the disintegration of SWAPO. (*WO 15.12.79*) Legislation based on the proposals is expected to be tabled in the Assembly in early 1980. (*WA 12.12.79*).

BEUKES CASE REJECTED

An application by Mrs. Erica Beukes challenging the powers of the Administrator General and demanding the release of her husband, Hewat Beukes, from detention under AG 26, has been rejected by the Windhoek Supreme Court. The application, a test case, had called into question the validity of recent constitutional and legislative changes effected in Namibia by the South African government. (*See Focus 25 p.7*).

In a 28-page written judgement, the Judge President of SWA, Mr. Justice Badenhorst, found that Proclamation 181 (1977) which outlined the powers and functions of the Administrator General, and the Administrator General's subsequent Proclamation AG 26 (1978) which makes wide provisions for detention, were valid and with legal effect. He rejected arguments by Mrs. Beukes that the South African State President had acted beyond his jurisdiction or that he had given the Administrator General wider powers than he himself possessed.

Mr. Justice Badenhorst said that Section 38 (1) of the South West Africa Constitution Act clearly stipulates that the State President

can pass laws with a view to the attainment of independence of South West Africa as well as "in all other matters". Section 38(2) of the Act showed that the State President was empowered to delegate his powers to "such legislator as he may see fit to install". If Sections 38 (1) and 38 (2) are read together, it was clear that the legislator intended the State President himself to install a legislator and delegate his legislative powers to such a "legislator", Justice Badenhorst said. The argument that the Administrator General had, in terms of Proclamation 181, been given more powers than the South African Parliament itself was unfounded in that the constitution of the Republic of South Africa (Act 32 of 1961) was not applicable to South West Africa. Section 37 (2) of the South West Africa Constitution Act specifically stipulated that full administrative powers over the Territory were reserved for the South African State President.

Justice Badenhorst also rejected Mrs. Beukes' argument that her husband's detention was unlawful as the names of the review committee appointed to investigate his detention were never published. Proclamation AG 26 contained no stipulation obliging the Administrator General to publish their names. The application was rejected with costs. (*WA 12.12.79*).

In fact, as the representative for the respondents (cited as the Administrator General, the government of the Republic of South Africa and officer commanding Gobabis Prison) pointed out, the State President's powers as far as South

West Africa is concerned, are limitless. There are no restrictions as to what laws he may make regarding South West Africa. (*WA 29.22.79*).

TORTURE ALLEGED

A representative of the British Parliamentary Human Rights Group who visited Namibia in November 1979 found evidence that certain categories of detainees had been tortured. Mr. Edward Lyons, M.P., QC, stated on his return that while persons held without charge under Proclamation AG 26 did not appear to have been physically tortured, he was convinced that other detainees had received electric shock treatment. Both lawyers and clergy in Namibia accepted that this was so, he said. He had also ascertained that conditions in prison were "not very good".

In a submission to the SWA Administrator General protesting at the continued detention without trial of many SWAPO supporters, who had been denied access to anyone, including their lawyers, Mr. Lyons said that "the whole exercise means that people are intimidated from expressing sympathy for parties which may not be approved by the authorities even though they are legal in the territory". Even if the detainees were innocent they could not defend themselves because they were not told why they were being detained. Mr. Lyons demanded that the SWAPO detainees either be charged or released. (*S. Express, London 18.11.79*).

RESTRUCTURING OF POLICE FORCE

A complete restructuring of the police in Namibia is reportedly taking place, with the aim of centralising power and reinforcing the high command. In an interview in November 1979, the Divisional Commissioner of Police, Brigadier Dolf Gouws, stated that a number of changes had taken place which afforded more direct and immediate control under centralised authority. He gave no further details, but is believed to be determined to tighten the grip of the police on security. (WO 17.11.79).

The Namibian Police Force is incorporated into the South African Police Force. The Commissioner of the South African Police, subject to the direction of the Minister of Police, commands the force in Namibia. The Police Act of 1958 amended the definition of the "Republic" to include "South West Africa", so applying all police powers in South Africa to the territory.

Several types of police operate in Namibia: **South African Police units**, stationed in or seconded to, Namibia, are heavily armed, with military jeeps and helicopters. Until June 1974 they were mainly responsible for patrolling the northern border with Angola. These duties were then to a large extent taken over by the South African Defence Force, but police continue to play an important counterinsurgency role, including border duty. According to South African sources, men of all races are specially trained for police duties at a centre outside Groblersdal in the Eastern Transvaal, where conditions are as "close as possible to the real thing". After six weeks of vigorous training, they return to their stations in South Africa and South West Africa to await call-up for border duty.

The role of the South African police units as a paramilitary force is of particular importance in view of the Western plan for an internationally accepted settlement in Namibia, which gives primary responsibility for maintaining law and order during the transition period to the existing police forces, and provides for United Nations personnel in Namibia to accompany the police force in the discharge of their duty. (UN Security Council document 12636, 10.4.78).

There are major police posts at Windhoek, Walvis Bay and Grootfontein, and at Oshakati and Ondongwa in Ovamboland.

The **Security Police**, which form part of the South African Police, have a large detachment of men on duty in Namibia, and other special departments of the police send in men as needed. Their work is particularly concerned with detention and interrogation of political prisoners. A new Chief of the Security Police, Lieutenant Colonel Jan van der Merwe, was appointed at the end of 1979.

White controlled municipalities have their own **municipal police force**, mainly responsible for dealing with "security" in the towns. In addition, municipal "commandos" have been set up in urban centres. In Windhoek for example, a municipal commando was established in May 1978 to protect municipal property and give "other relevant services during times of riots". The City Council provided funds for training and to buy rifles. (WA 2.3.78; see FOCUS 15 p.15).

A proclamation by the Administrator General provided for the inclusion of the **South African Railways Police** in the definition of "security forces," thus giving them the same status and power as the South African Police and the South African Defence Force (AG 92 of 26.9.79). Its size has recently been enlarged with the formation of the **Railways Police Reserve Force**. The officer commanding the Railways Police, Col. Eloff, refused to comment on its strength and task assignment (WO 1.12.79).

In mining and other compounds, the mining house or company frequently employs a police force, or uniformed guards with dogs hired from private protection service firms, to regulate visitors and workers and deal generally with "security".

The **tribal police** in Ovamboland and Kavanjo are controlled by tribal authorities and are not subject to departmental regulations or public scrutiny. Many recruits are undergoing training as a paramilitary force by South African instructors. The tribal police were extensively used to harass and intimidate the population during the elections for the Ovamboland Legislative Council in January 1975, dispersing public meetings held by SWAPO and forcing people with rubber batons and swords to come to the polls. (UN Commission on Human Rights, E/CN.4/1187, 31.1.76).

In line with its policy of promoting indigenous security forces on a tribal basis, South Africa has been training a black police force in

the homelands. In 1974, an intensive training programme prepared a Kavango police force to take over control of the cordon gates on the Botswana/Namibia border and guard the post between Grootfontein and Rundu (WA 21.4.74). More recently, 115 Hereros completed their training as part of the **Special Police**, a unit of the South African Police. They are deployed in their own area in defence services and law and order (WA 2.10.79). Black policemen are being promoted to officer rank as part of this programme. The importance of training indigenous people was emphasised by South African security officers who stressed their value in the homelands (WA 2.3.79). These developments appear to parallel moves to establish a SWA Defence Force (see FOCUS 25 p.6).

An increasingly violent role is played by the **Home Guards** in the "homelands". A leading official of the Lutheran World Federation reported after a visit to Namibia in July 1979 that "there is no longer any semblance of order or the rule of law in Ovamboland. The population is totally at the mercy of the arbitrary power of the South African army and units of the Home Guard, comprised of young, black, drop-outs of Ovambo society. These men are uneducated, unemployed and lured by good pay and excitement. Armed bands, often undisciplined, are known for committing atrocities against their own people. South Africa now appears to be replacing some of its own units with Home Guards assembled from all parts of the country and from various tribes". (Lutheran World Federation Information, No 20, 79). The Home Guards were given legitimacy by Major Geldenhuys, the Officer Commanding South West Africa Command, who explained that "the Home Guard in Ovamboland is also a police organisation and may be called upon to enforce the law". (WA 16.6.78).

Police have been given increasingly wide powers in recent years. Under the repressive laws promulgated by the Administrator General, such as the Security Districts Proclamation (AG9) of November 1977 as amended in May 1979, the security forces, including the police, were given extensive powers to search people or premises without a warrant, and arrest and detain persons for up to 30 days without access to legal counsel. There has been substantial evidence that torture is employed almost on a routine basis by security police during interrogation of political detainees (See FOCUS 14, p.1-2, 5; "Decolonisation", UN Document, Dec. 1977 p.26).

ARREST OF SWAPO MEMBER

Mr. Jason ANGULA, SWAPO's Secretary for Labour, was arrested on 14 December 1979, apparently under Proclamation AG 9 (see FOCUS 14, p.2). His arrest is thought to have been prompted by a statement issued by him on SWAPO's behalf attacking the Administrator General's amnesty proposals and demanding that SWAPO members who have been held in detention for over 8 months be brought before a court of law. (WO 8.12.79, 15.12.79).

Mr. Angula was briefly detained in April 1978 and questioned in connection with the assassination of Chief Kapuu. He was released after a few hours but was later re-detained under AG 26 on 24 April 1978 together with a large number of

SWAPO members. He was reported to have been released in October 1978 (FOCUS 16 p.6, 17 p. 10 and 11, 19 p.15).

STOP PRESS

The SABC reported in January 1980 that 23 people were detained under AG26 following the recent release of five people. The report added that the SWA Administrator General had recently stated that the position of detainees was constantly under review and that this could lead to the release of some of them from time to time (BBC 12.1.80).

The release of five detainees was confirmed by the Administrator General's public relations officer. They were named as Hewat BEUKES, Frans KAMBANGULA, J. MAMMINGA, F. KGOSIMANG and Thomas DROTSKY (WA 11.1.80).

It is believed that seven people were detained in mid-January under AG26. They are

thought to include Arthur PICKERING, Henry BONZAAIER and Mrs Rikumbi KANDANGA. Mr Pickering, a Windhoek advocate, was previously detained in January 1979 under the Terrorism Act (see FOCUS 20 p.16).

JOURNALISTS EXPELLED

Two Swiss journalists representing a number of newsmedia in Namibia, including the Swiss Broadcasting Corporation, Radio France and Reuters, were refused extension of their permits in November 1979 and told to leave the country immediately.

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Aymon and Ingelore Frank, two wellknown reporters and photographers who had lived in Namibia for a number of years, were apparently refused permission to continue working in Namibia because they had tried to investigate a "sensitive area". This was the reason given to the First Secretary of the Swiss Embassy by the South African Department of Foreign Affairs in Pretoria. Mrs. Frank said she believed that the "sensitive area" referred to SWAPO prisoners kept at Hardap detention camp near Mariental.

Reports that the prisoners, who were captured during the South African raid and massacre at Cassinga refugee camp in Angola in 1978, have been subjected to torture and hard labour conditions at Hardap, have been received from several sources.

The Franks received a letter from the Directorate of Civil Affairs and Manpower in which they were told to leave immediately. After attempts to have an interview with the Administrator General and a visit by Mr. Frank to Pretoria, Mrs. Frank was finally notified that

she had to leave Namibia on 23 November. Mr. Frank then left for Geneva to cover the UN-organised talks on Namibia.

Their work permits for South Africa were, however, renewed on 8 November as a gesture of goodwill to the Swiss government, a Swiss representative was told.

An earlier attempt to expel the Franks from Namibia in February 1979 failed after the Swiss government had intervened on their behalf. (WA 27.11.79, FOCUS 18 p.15, 24, p.14).

ATTACKS ON ANGOLA CONTINUE

South African violations of the northern Namibian border have continued since the period covered by the Angolan government's report submitted to the UN Security Council in July 1979 (see FOCUS 24, p.15). In a communique issued on 10 July, for example, the Angolan Defence Ministry reported that Angolan anti-aircraft guns had shot down a South African Mirage fighter bomber during raids on Southern Angola in which 11 Angolans died. The casualties, four Angolan soldiers and seven civilians, were killed when a force of six SA Mirage and Buccaneer planes bombed the town of Ngiva in Cunene province on 6 July.

Another South African attack was made on a farm near Lubango in Huila province now used as a school for Namibian refugee children, according to the Defence Ministry communique. There was some damage but no casualties were reported. (WA 11.7.79)

Again, in a communique issued on 30 August, the Angolan Ministry of Defence reported that between 16 July and 23 August South African troops had "intensified their aggressive warlike activity with reconnaissance flights over our territory in search of SWAPO groups, provoking our military units and defenceless people with the aim of forcing our people to withdraw their support from SWAPO's struggle for the liberation of their territory". Incidents mentioned in the communique were as follows:

16 July - Two SA Canberras launched a rocket and cannon attack on a school, a residence and a people's shop in Chetequera (word unclear) settlement.

20 July - Two Canberras again flew over Chetequera, bombing the southern area of the settlement.

21 July - Three companies of SA commandos penetrated between 10 and 40 km into Angola. One company was accompanied by UNITA guerrillas.

22 July - Two unidentified SA planes overflew the Chitato (word unclear) area and then disappeared in the direction of Calueque.

23 July - SA helicopter-borne troops landed in Muango settlement.

24 July - A company of SA commandos penetrated 20 km into Angola.

25 July - Five Angolan soldiers were killed and three others were captured and taken back into Namibia when an 11-man Angolan frontier guard unit on a reconnaissance mission 10 km south of Chiede found itself completely surrounded by SA Puma helicopters.

2 Aug - SA helicopter-borne troops landed in Chiede, Sovaca and Omulemba (words unclear) areas "with the aim of protecting the so-called UNITA gangs".

8 Aug - Two Canberras bombed the Cuamato commune.

15 Aug - Two lorries of the Angola Interior Trade Department supplying foodstuffs to the people of Cuamato were attacked by SA forces. On the same day another Interior Trade lorry was bombed by a Mirage plane on the Cuamato-Changongo (word unclear) road. A further lorry transporting food to the people of Nepolo

(word unclear) was bombed by SA aircraft, and the driver was killed by SA ground troops. The lorry and its contents were taken back into Namibia by the South Africans.

16 Aug - SA troops ambushed a group of Angolan troops in Chetequera area.

23 Aug - SA helicopter-borne troops attacked Chiate (word unclear) settlement.

(BBC 3.9.79, reporting Luanda home service 31 August)

A spokesman for the SADF stated at the end of August that the recent allegations of SA attacks on targets in the south of Angola were "propaganda stunts" to which the SADF preferred not to react. (BBC 3.9.79, reporting Johannesburg home service 31 August).

An Angolan Defence Ministry communique condemned air raids by 10 South African Mirage and Impala aircraft on 26 September on Lubango, the capital of Huila Province, and Changonga in Cunene Province. In the former, 26 people were killed and some 84 wounded, in the latter, 34 were killed and some 70 wounded, all civilians. (BBC 29.9.79, reporting Luanda English Service on 28.9)

Six South African brigades, each with 3000 men, backed by artillery and aircraft, were reported to be concentrated on the Angolan-Namibian border on 13 October. Angolan officials said that the aircraft were making reconnaissance flights almost every day, particularly over Cunene Province. The Angolan fifth Military Command charged that South Africa had carried out 18 bombing raids on Angola during September. (Facts and Reports, 9.11.79)

The Angolan Defence Ministry reported on 19 October that a South African Air Force Impala fighter bomber and a Puma helicopter were shot down by anti-aircraft units on 18 October, when six South African aircraft and helicopters bombed the Ompanda (word unclear) area some 11 km from Ngiva the capital of Cunene Province. (BBC 23.10.79, reporting Luanda home service 20.10.79).

A major attack by South African forces was reported from Angola at the end of October. According to a communique from the Political Bureau of the MPLA, South African helicopter-borne troops had attacked several areas in Angola on 28 October. 19 French-built Puma helicopters carrying troops landed in the western towns of Lubango and Mocamedes 200 km north of the border with Namibia, killing 18 civilians and two members of the Angolan Army. They destroyed part of the Mocamedes railway line including a tunnel, and four bridges on the Mocamedes-Lubango road. Five light vehicles and a bus were also destroyed.

A further 11 Puma helicopters carrying 150 specialist troops reportedly landed in Porto Alexandre, further south on the Atlantic coast, and in the nearby town of Virei, laying mines and "carrying out criminal acts against the defenceless population". Angola's Ambassador in Belgium requested an urgent meeting of the United Nations Security Council to discuss the attacks. The South African Foreign Minister

denied the charges, claiming that they were "a smoke screen to divert attention from the fact that Angola harbours guerrillas". A South African Defence Force spokesman said South Africa had previously made it clear it was not looking for confrontation with neighbouring states.

Angolan television subsequently showed a film of bodies of children and adults lying on roads attacked by South African helicopters during the raid, according to the Angolan news agency Angop. Angop quoted a Portuguese adviser, interviewed by Angolan television, as saying he was travelling in a car when it was strafed by two South African Puma helicopters. One of the occupants was killed by machine gun fire, but he and his companion managed to escape. (BBC 1.11.79, reporting Luanda home service, 31.10.79, WA 31.10.79 RDM 1.11.79, CT 3.11.79).

A communique from the Angolan Defence Ministry issued on 7 November 1979 reported that, as part of its "attempts to destabilize the economic life of the People's Republic of Angola", South Africa is continuing to unleash a series of acts of provocation. The communique listed the following incidents:

3 November: a formation of South African helicopters dropped (word indistinct) charged with explosives with the aim of completely destroying Cunene (word unclear) bridge.

4 November: Four South African helicopters attacked one of our troop positions in Chingongo (unclear) and were repulsed.

5 November: South African reconnaissance aircraft overflew the Ompanda area and Calveque in Southern Cunene (word unclear). Another South African aircraft made a rocket attack on an area 7 km from the capital of Cunene.

6 November: A South African infantry unit mined the frontier on the way to Chiede (word unclear). South African aircraft bombed the environs of Ngiva town, while airborne troops mined the road leading (unclear) to Ngiva, killing three civilians and destroying a motor vehicle (BBC 10.11.79).

An incursion into Angola was reported to have taken place at the end of November, when South Africa claimed to have attacked a number of temporary SWAPO bases across the border and killed 68 guerrillas in a hot pursuit raid. (RDM 30.11.79)

Luanda radio reported on 12 December that "the South African Army and Airforce are daily attacking Cunene province, mining roads and killing defenceless civilians. (BBC 12.12.79, reporting Luanda radio, 10.12.79).

PASSPORT REFUSED

Mr. Christof Shuvya, associate secretary of the Namibia Council of Churches, was refused renewal of his passport in September 1979. He was to have attended a meeting of the Christian Council of Southern Africa in Botswana. No reason was given for the refusal. (WO 22.9.79).

rhodesia ZIMBABWE

SOUTH AFRICAN TROOPS CONFIRMED

Information made available by the British and South African press during the closing stages of the Lancaster House talks has confirmed the crucial role that has been played over the years by South Africa in sustaining the military strength of the Rhodesian security forces — and hence the illegal regime itself. While the details that have been published in various newspapers of the numbers, disposition and role of South African troops and military personnel deployed inside Rhodesia contain some discrepancies, they make it clear that military intervention by Pretoria is on a far larger scale than was generally appreciated in the past — albeit obvious by implication to informed observers (e.g. see *FOCUS* 23 p.6, 22 p.9). The facts make it reasonable to assume that without South Africa's support, the Rhodesian military machine would long since have collapsed in the course of the guerilla war.

Despite clear undertakings given by the British government, no withdrawal of South African troops from Rhodesia had taken place — or even commenced — by the ceasefire starting date of 28 December 1979. On 7 January 1980, reports in the British press revealed that the British Governor, Lord Soames, had authorised the continued deployment of certain South African units inside Rhodesia, in contravention of what had been agreed at Lancaster House, although some other units appeared to have been withdrawn. Evidence previously published, moreover, indicated that there had been a fresh influx of South African military personnel, together with supplies of arms and equipment, while the Lancaster House talks were in progress and possibly even continuing since the arrival of Lord Soames on 12 December (see below).

The situation has serious implications in view of recent threats by Mr. P.W. Botha and other South African spokesman that Pretoria is prepared to intervene militarily in Rhodesia in the event of a Patriotic Front election victory, and the Patriotic Front's own fears that the British government's ceasefire proposals fail to provide effective safeguards against a joint Rhodesian-South African military coup.

Most of the stories relating to South Africa's military presence in Rhodesia appeared in the British press in the week preceding 5 December 1979. On that day,

the Patriotic Front delegation attending the Lancaster House talks accepted the British government's ceasefire proposals, on condition that various outstanding matters relating to their implementation were successfully resolved. This agreement, which was hailed as a breakthrough by Lord Carrington, rested on three specific assurances by the British government, namely: that the Rhodesian airforce would be kept in check and disarmed during the transitional period; that the Commonwealth ceasefire monitoring force would be of a sufficient size to do the job required of it; and that South African troops would be required to withdraw from Rhodesia prior to the arrival of the British Governor and the start of the ceasefire. This last has since been subject to varying interpretations in what appears to be an attempt by the British authorities to avoid the confrontation with Pretoria which would be necessary to effect its implementation. It was nevertheless clearly formulated by Lord Carrington at a plenary session held at Lancaster House on 5 December, and in subsequent statements to the British parliament by himself and Sir Ian Gilmour, the Foreign and Commonwealth spokesman in the House of Commons, to the effect that "there will be no external involvement in Rhodesia under the British Governor. The position has been made clear to all the governments concerned, including South Africa." (*GN/T* 6.12.79).

The Rhodesian and the South African security forces, following many years of South African military collaboration with the Smith regime, work closely together. Such debate as has been provoked on the issue in recent weeks has focussed on the deployment of identifiable South African troop units inside Rhodesia. In practice, South African support is much more comprehensive than this, involving substantial numbers of South African military personnel who are integrated into the Rhodesian security forces on an individual basis and who are formally under Rhodesian command; the provision of funds, training facilities, aircraft, armoured cars and other military equipment, arms and ammunition; South African participation in joint raids into the front line states; and collaboration at the highest levels of military intelligence and planning.

HISTORICAL BACKGROUND

South African, Rhodesian and (up to 1974) Portuguese defence chiefs met regularly from the early 1960s onwards to exchange information and to draw up joint plans for military operations against the liberation movements. In 1967, South African troops were for the first time sent openly into Rhodesia when 300 counterinsurgency-trained paramilitary police were deployed alongside Rhodesian forces in the north and west of the country, against joint groups of ZAPU and ANC (South Africa) guerillas. While officially described as "police" the men were equipped and functioned like regular soldiers. By 1970 there were estimated to be between three and four thousand personnel deployed in Rhodesia from the SAP, SADF and SAAF — thereby almost doubling the size of the regular Rhodesian forces at this time. The South Africans were supported by Saracen armoured cars, Alouette helicopters, spotter planes and other equipment. ("*Rhodesia-South Africa's Sixth Province*", IDAF 1974).

In 1975, during the so-called detente period, all South African Police units were officially withdrawn from Rhodesia, (leaving helicopters and other hardware behind), amidst considerable publicity. From this time it became extremely difficult to obtain factual details of South African military collaboration with the Smith regime, although it undoubtedly continued to include both personnel and equipment. Under "Operation Polo", for example, "a secret assistance programme", the Rhodesians were provided with about 50 South African helicopter pilots and technicians, and a number of specialist officers at military headquarters. Operation Polo was reported to have come to an end in 1976 "as part of the pressure applied by Mr. Vorster to get Mr. Smith to the negotiating table at Geneva". (*D. Tel* 30.11.79). The period following the internal settlement agreement of 3 March 1978 once again saw an increase in overt South African military involvement, particularly during the April 1979 elections when "logistical" support was provided by Pretoria in the form of aircraft, helicopters, troop carriers, trucks and personnel. By the start of the Lancaster House talks in September 1979, up to 10,000 SA military personnel were deployed inside Rhodesia according to Patriotic Front estimates. (*Focus* 22 & 23 *ibid*; "*Smith's Settlement — Events in Zimbabwe since 3 March 1978*", IDAF Fact Paper No. 6, June 1978, pp 24—5).

LANCASTER HOUSE

It now seems clear that this South African military presence was significantly reinforced during the period September — December 1979, while the Lancaster House negotiations were in progress. At the end of November, in the first of a flurry of press reports, the London *Guardian's* correspondent in Rhodesia reported that there was

strong circumstantial evidence of heavily increased South African military involvement in (Rhodesia). Unsubstantiated reports (which the *Guardian* was subsequently able to confirm) claim that South Africa has

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moved a number of 5.5 Howitzers with artillery crews from Pretoria to such sensitive border areas as the Chirundu Bridge crossing with Zambia. Pilots from the Republic also appear to be playing an increasingly important role in Salisbury's airforce, particularly in the helicopter squadrons. (GN 28.11.79, 3.12.79).

On 30 November the *Daily Telegraph* reported that even while South Africa's "secret military involvement" in Rhodesia was being raised in discussions between London and Pretoria, "helicopter pilots, combat troops and other military personnel have been sent north to help the hard-pressed Rhodesian army". The report added that while precise numbers were not known the South African commitment was believed to be "quite large-scale". (Tel. 30.11.79).

On the same day, 30 November, formal confirmation of the presence of SA troop units in Rhodesia was provided by the SA Prime Minister himself, Mr. P.W. Botha. Addressing a farewell gathering for the retiring head of the SA Air Force, Mr. Botha admitted that South Africa, in consultation with the Muzorewa-Smith regime, had "for some time now been looking to the protection of our interests as well as our vital lines of communication such as the rail link to Beit Bridge and the railway links through it ... No right thinking person can expect Zimbabwe Rhodesia also to protect those interests". In justification of SA's action, he claimed that guerrillas of the ANC of South Africa had been collaborating with those of the Patriotic Front to attack South African interests in Rhodesia. (T/Tel. 1.12.79) In reporting Mr. Botha's speech, the *Cape Times* added that South African troops had been known to have been guarding the Beit Bridge crossing for more than two years, and that the SA forces also undertook "limited patrolling" of the railway line north of the border crossing. (CT 1.12.79).

A number of correspondents subsequently pointed out that in addition to regular SA troops ostensibly guarding transport routes, significant numbers of SA military personnel were integrated into the strategically most crucial units of the Rhodesian security forces, notably the airforce, the artillery and armoured car units. It is known that various administrative arrangements have been worked out over the years between the authorities in Salisbury and Pretoria to enable South African regular soldiers to complete part of their training in Rhodesia or to spend periods on secondment there. SA infantrymen are encouraged to volunteer for terms of duty in Rhodesia and in turn are exempted from their SADF service commitments. Many South Africans in Rhodesia are in command of units; they are permitted to serve for long periods without loss of seniority, rank or salary increments in South Africa.

The *Guardian*, for example, reported that in addition to 400 regular troops guarding rail routes, South Africa had in early 1979 supplied a "large number" of "volunteer" pilots, gunners and technicians to Rhodesia, together with additional Alouette helicopters. South African pilots, mostly regular SAAF officers, "underpin the cutting edge of the counter-insurgency campaign — Fire Force Operations" (i.e. the combined use of helicopter and ground troops, on a "quick reaction" basis). "It is no secret that Pretoria has encouraged this recruitment just as the Republic has provided much of the money and material for the war effort. The new factor is the extent to which South Africa has moved to make up the shortage of skilled personnel such as pilots, helicopter technicians and gunners". (GN 3.12.79). It is estimated that South African pilots and technicians may fly and maintain as many as 70% of the helicopters used in fire force operations. (D. Mail 3.12.79).

The *Sunday Telegraph* reported that SA "combat troops" had recently been sent into Rhodesia in addition to up to two battalions — about 1,600 men — of regulars deployed in the south of the country for the past 18 months. The South African Army Medical Corps had also been inside the country since January 1979. (S. Tel. 2.12.79).

On 14 December Major General Acland, Lord Soames' military adviser, confirmed the presence of South African troops in Rhodesia. He told a press conference that he understood there were "a certain number of individuals in the Rhodesian army from different countries. Beyond that there is a small South African presence of less than a thousand men". (D. Tel. 15.12.79).

The *Observer* and the *Daily Telegraph* subsequently gave the figure of 2,000 SA troops, "twice the number previously thought" (Obs. 30.12.79; Tel. 3.1.80).

It is difficult to escape the conclusion that at least some of the journalists and editors responsible for the compilation of these reports had been aware of the extent of SA military support for the regime for some considerable time, but, for whatever reason, were unable or unwilling to publish details until the final stages of the Lancaster House negotiations. The *Guardian*, for example, pointed out that "in most cases the (SA) troops wear mottled Rhodesian Army camouflage uniforms but, with notable indiscretion, they have been seen in their own distinctive plain brown battledress. The distinctive South African accent and the use of the Afrikaans language makes Pretoria's regular troops very evident whatever the colour of their uniforms". The *Daily Mail's* correspondent also reported that many of the SA army and air-force personnel in Rhodesia wore their own uniforms, while SA armoured cars, Puma helicopters and transport aircraft were in "everyday evidence". (D. Mail 3.12.79). The *Guardian* further noted that the SA troops guarding the Beit Bridge-Rutenga-Salisbury railway were commanded by SA military liaison officers based in Fort Victoria. The presence of this liaison unit at the Fort Victoria regional army headquarters had been reported by the same correspondent more than 18 months previously but it had not been mentioned again until now. (GN 19.4.78, 3.12.79)

MATERIAL SUPPORT

In October 1979 the South African government was said to be funding the Rhodesian war at a rate of £30 million a month (GN 6.10.79). This is more than the illegal regime themselves claimed to be spending on defence and security. Speaking in an interview on British television a fortnight later, a leading Rhodesian economist, Mr. Eddie Cross, said that 50% of the cost of the war was financed externally. He would not say by whom, but South Africa is clearly the most obvious contender. (BBC2TV "The Money Programme" 21.10.79; "Fire Force Exposed-The Rhodesian security forces and their role in defending white supremacy". *British Anti-Apartheid Movement*, November 1979 p.3-5)

Apart from financial assistance, South Africa has always acted as the major supplier and channel for arms, ammunition and military equipment to the illegal regime. This has perhaps been most crucial for Rhodesia's airforce, where South Africa has directly supplied Mirage fighter jets, Alouette and Puma helicopters. In December 1979 a number of correspondents reported for example that helicopters and crews supplied by South Africa earlier in the year, ostensibly as logistical support for the April elections, were still inside Rhodesia and flying on military missions, including raids against the frontline states (GN 3.12.79, S. Tel. 2.12.79). Supplies of equipment

such as trucks appear to have continued since the announcement of agreement on the ceasefire (see below).

BORDER RAIDS

Previous issues of *FOCUS* have covered evidence of direct South African involvement in Rhodesian raids into the front-line states. (eg *FOCUS* 21 p.6) This pattern continued during the Lancaster House talks. In September, a South African Puma helicopter, piloted by a three-man South African crew, was shot down in Mozambique during an attack ostensibly carried out by Rhodesian forces. The South African authorities subsequently announced the deaths of the men "in the border area". (GN 28.11.79) In October the Zambian government announced that 600 South African troops had entered Zambia's Western province at the same time as Rhodesians were attacking targets in the south of the country. Both were repulsed after heavy fighting. In November, President Kaunda gave details to a press conference of a number of further attacks during October and November in which the Rhodesians had been supported by South African forces, including the destruction of eight road and rail bridges and an attack on the Zambian National Service camp at Chongwe, east of Lusaka (BBC 21.11.79)

TRAINING FACILITIES

Arrangements are believed to exist under which Rhodesian pilots receive training in South Africa on aircraft such as Mirages and Impala fighters, under the auspices of the SA Air Force. According to a recent report in the British press, Rhodesian pilots are permitted by South Africa to use the Waterkloof military airfield near Pretoria, from where they have flown Mirages. (Tel. 30.11.79). South African and Rhodesian jet bombers were reported in November 1979 to have taken part in joint exercises spread over 11 days in South Africa. While the jet fighters practiced "blanket bombing" techniques, South African ground forces attacked "distant ground targets" comprising simulated refugee camps, towns and villages (US *Guardian* 7.11.79). On 14 December, ZANU (Patriotic Front) reported that SA troops were massing along the Limpopo river in preparation for attacks into Rhodesia and South Africa which would be disguised as manoeuvres and training exercises. (BBC Monitoring Service 17.12.79 reporting Maputo "Voice of Zimbabwe")

THE CEASEFIRE

There are indications that the South African military build-up in Rhodesia continued after the Patriotic Front's conditional acceptance of the ceasefire on 5 December and the arrival of Lord Soames on 12 December. On 7 December, for example, the *Times* correspondent reported seeing a long convoy of South African army vehicles and troops moving in a northerly direction along the Beit Bridge to Fort Victoria road. The troops were all white and numbered about 60 men. Some of them were seen well to the north of Rutenga, travelling even further into Rhodesia (T 7.12.79). On 15 December, 50 South African army trucks were reported to have arrived in Salisbury and to have been seen unloading military equipment at the railway station. (D. Mail/MS 15.12.79). Following agreement on the ceasefire, the Patriotic Front lodged repeated protests with the British Governor at South Africa's continued presence, alleging that South African troops wearing Rhodesian uniforms were being brought into the country to reinforce Rhodesian security force units. (BBC 31.12.79). In an

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OBSTACLES TO FREE POLITICAL ACTIVITY REMAIN

A number of steps have been taken by the British Governor, Lord Soames, since his arrival in Rhodesia on 12 December, towards halting political executions, securing the release of political prisoners and detainees, and the ending of martial law. However, many severe restrictions on free political activity remained as *FOCUS* went to press.

The British Governor's position seems to contain an inherent contradiction. On the one hand, his task during the transitional period is to implement the agreements reached at the Lancaster House constitutional conference, in particular by ensuring that the elections due to be held on 14, 27, 28 and 29 February 1980 are fair and free. On the other, the Governor is expected to work through and with the regime's existing administration and public service. He and his staff have taken over the machinery of government intact. In his first address to the nation on 12 December, Lord Soames pointed out that "it will be no part of my job to take decisions or make changes, except insofar as these are necessary to enable me to carry out the immediate task". He was intending "to ensure the government services continue to operate effectively". (*BBC 14.12.79*) The extent to which these government services, which have for years functioned in the interests of preserving white minority rule and the suppression of African opposition to the regime, now constitute a direct obstacle to free

and fair elections, is clearly a matter of legitimate debate.

The first conclusive action taken by Lord Soames to facilitate election campaigning was on 21 December 1979 when, through a series of proclamations, he announced a general amnesty (*see below*), lifted the bans on proscribed political parties (i.e. ZAPU and ZANU (Patriotic Front)), lifted the ban on the holding of public political meetings on Sundays and public holidays, and reduced the number of days' notice required for the holding of such meetings from seven days to two. (*T/Tel 22.12.79*)

AMNESTY ORDINANCE

A general amnesty for representatives of the regime and its opponents was introduced through Governor's proclamation on Friday 21 December 1979. Lord Soames stated in a nationwide TV and radio broadcast that the amnesty order, signed on 22 December, affected alike those who had defied the British crown in 1965 by declaring UDI and those who had taken up arms against the government then established. (*Tel 22.12.79*).

The exact implications of the amnesty order have yet to become clear in practice. The IDAF has asked Lord Soames for reassurance that the amnesty ordinance, in respect of all acts committed in good faith in resistance to the rebellion, applies to

- all those detained under the Emergency Powers Regulations
- all prisoners serving sentences in terms of the Law and Order (Maintenance) Act and

other political legislation, and under the criminal law for acts which clearly have a political connotation

- all those detained or convicted under martial law.

As *FOCUS* went to press persons remained in custody in Rhodesia under all three of these categories (*see below*)

STOP PRESS

On 18 January it was announced that Lord Soames had decided to renew the national **State of Emergency**, in force in Rhodesia since before UDI, for a further six months. A notice in the Government Gazette revealed that the proclamation, which allows for continued detention without trial, martial law, censorship and other measures introduced over the years to suppress African political activity, had in fact been made on 11 January. The State of Emergency was renewed at yearly intervals by the regime following its introduction on 5 November 1965, until July 1979, when it was renewed by Bishop Muzorewa's government for six months only. (*See FOCUS 23 p.4*)

Commenting on the decision, a British spokesman said that "in the Governor's judgement the level of lawlessness and violence in the country as a whole is such as to conclude that there is still a need for a state of emergency in Rhodesia". A spokesman for Patriotic Front (ZAPU), however, said that "this action indicates that there will be no free and fair elections because the whole purpose is to limit the movement of people and freedom of speech". (*Tel 19.1.80; MS 19.1.80*)

CALL-UP

Call-up papers for a general mobilisation of territorials and reservists were expected to be sent out during January as a "precaution" for the general elections. British officials indicated that a final decision on the degree of military mobilisation considered necessary would be taken shortly before polling. (*FT 9.1.80*).

Lord Soames, acting through the regime, is in a position to call up significant numbers of Africans for military duties during the elections. Under the new 1979 National Service Act, which came into force on 1 January 1980, all men between the ages of 18 and 60 with three or more years of secondary education are liable to national service without discrimination by race. In August 1979 all eligible Africans between the ages of 16 and 60 were required to

register (the previous age range had been limited to 18 to 25), and by the end of November such registration was reported to be "proceeding apace". Notices calling up men of all races for Phase I national service (18-25 year olds) with effect from 1 January 1980 were sent out in October 1979 (*Debates 28.11.79*).

There has been widespread resistance to African conscription, and there is evidence that many black conscripts have subsequently deserted.

Speaking at a press conference on 22 November 1979, Bishop Muzorewa said that the scale of call-up for the security forces for the 1980 elections would have to be even more "dramatic and effective" than that for the 1979 elections (*BBC 24.11.79*).

In April 1979 the regime succeeded in

mobilising an estimated 100,000 armed personnel (about two-thirds of whom were white), to "protect" voters, apart from the auxiliaries.

BANS LIFTED

Bans on three newspapers, *Zimbabwe Times*, *Moto* and *Umbowo*, were lifted by Lord Soames on 21 December 1979. Bans on 17 publications, all of them written by black or white Rhodesians or dealing with "controversial topics", were lifted with the Governor's approval on 4 January. The publications include works by Rev. Ndabaningi Sithole, Prof. Stanlake Samkange (now associated with James Chikerema in the Zimbabwe Democratic Party), and Rev. Canaan Banana, a senior member of ZANU (Patriotic Front). (*T/Tel 22.1.79; BBC 7.1.80*).

House agreement. In Maputo, President Samora Machel of Mozambique told the diplomatic corps that SA forces were continuing to "flow into Zimbabwe with the declared intention of thwarting the democratic electoral process", and that this was "an abusive violation of the London accords". (*GN 9.1.80*)

The British authorities, in an apparent reversal of earlier statements in which the SA troop presence at Beit Bridge had been described as the "single exception" to Lancaster House, subsequently denied that there had been any contravention of the agreement. Lord Soames's press spokesman, Mr. Nicholas Fenn, stated at a press briefing on 14 January that there were "no South African troops under South African leadership inside Rhodesia other than the small contingent guarding Beit Bridge; their presence did not violate the Lancaster House agreement, nor did it represent intervention; and the force would not be used elsewhere in the country". He agreed that "there were South African troops in the Rhodesian security forces as there are other nationalities", but "none was under South African leadership". (*BBC 17.1.80*). Mr. Fenn also said that "it would be preposterous to suggest that it (the South African force) would have influence over voters. Its future is for the

independence government to decide". (*GN 16.1.80*)

British officials maintained by this time that the South African presence comprised 150 troops on the Rhodesian side of the border at Beit Bridge, with a further 250 in the immediate vicinity on the South African side. Other "sources" referred to 250 SA troops deployed within a 7 mile radius of Beit Bridge and equipped with artillery. (*FT 17.1.80; GN 16.1.80*).

The President of ZANU (PF), Mr. Robert Mugabe, however, stated that there were now 6,000 SA troops in Rhodesia, half of whom had arrived since September 1979. ZANU's "Voice of Zimbabwe" radio programme from Maputo said that SA had 3,000 troops stationed in the Beit Bridge area, ready with trucks and equipment for an armed intervention. This troop presence seemed to be increasing day by day, the radio said, and transit facilities for the troops had been set up in a sealed-off area of Beit Bridge railway station. The "Revolutionary Voice of Zimbabwe" Patriotic Front programme from Addis Ababa stated that there were "three to four battalions" of SA troops "all over Zimbabwe". (*GN 16.1.80; BBC 16/17.1.80*).

continued from p. 12

interview published in the Mozambique newspaper *Noticias* on 6 January, for example, the President of ZANU (PF), Robert Mugabe, said that SA troops were still arriving in Rhodesia "in their hundreds". ZANLA field commanders had reported the arrival of 20 truckloads of SA troops within the past few days. (*BBC 8.1.80*)

No British newspaper had reported seeing any South African troops leaving Rhodesia, by the time *FOCUS* went to press. On 7 January, however, British officials in Salisbury were reported to have confirmed the withdrawal of an estimated 1,000 South African troops. A spokesman said that all the units had left the country with the exception of "a small force of South African regulars guarding the Beit Bridge border crossing over the Limpopo river", whose presence had been authorised by the Governor (*GN 7.1.80*). This concession had followed "long and difficult negotiations with the South African government", the spokesman said. (*Tel 7.1.80*) On 8 January, the British government was informed by the Southern Africa Committee of Commonwealth High Commissioners in London that the decision to authorise the continuing presence of SA troops in Rhodesia was a violation of the Lancaster

ILLEGAL EXECUTIONS

In a telegram sent to the International Defence and Aid Fund on 30 December 1979, the full text of which is reproduced below, the British Governor Lord Soames revealed that he had commuted 11 death sentences imposed for murder. Those concerned, who had exhausted all their rights of appeal, would instead serve life imprisonment.

It is not clear from Lord Soames's message, however, whether the 11 persons concerned were political cases. They may have been sentenced to death on conventional criminal charges of murder or rape, as opposed to offences connected with the armed liberation struggle. On the other hand, as previously reported in *FOCUS*, the regime has shown an increasing tendency to lay criminal charges of murder or stock theft against persons who by the circumstances of their arrest should properly be regarded as prisoners of war. In the past such defendants would probably have been charged under the Law and Order (Maintenance) Act. ABEDNIGO DUBE, for example, whose sentencing to death for murder was reported in *FOCUS 25*, was described as a ZIPRA combatant operating in the Gwelo area at the time of his capture. (Four other death sentences for murder, all connected with developments in the armed struggle, were also reported in *FOCUS 25*).

Lord Soames's reply has not clarified the fate of others awaiting execution on charges under the Law and Order (Maintenance) Act. 16-year-old LEAVIT KATUMBA, who was sentenced to death in July 1979 by a special court martial for possessing arms of war, falls into this category. While a similar death sentence imposed on his 19-year-old brother BENCHARD is known to have been commuted on petitioning the regime's President, Leavit, as far as is known, remains in the death cells, if he has not already been hanged. Both he and his brother submitted sworn evidence of the protracted torture and assault they had received at the hands of the security forces while awaiting trial (see *FOCUS 25 pp. 1, 3-4*).

The IDAF has requested Lord Soames to

reveal the names of those whose death sentences he has commuted. IDAF has also asked Lord Soames to supply firm information on the fate of a total of 119 persons known to have been sentenced to death under the Law and Order (Maintenance) Act or on other political grounds since the introduction of secret hangings in April 1975. (A further 42 persons sentenced to death over this period have either had their sentences commuted on appeal or on petitioning the President, or are definitely known to have been hanged). The 119 may have been executed, they may have been pardoned and be still in prison, or they may have been released. It is possible that quite a number of executions were carried out by the regime during the Lancaster House talks, to "clear the decks" for Lord Soames's arrival. At the end of November, a regime spokesman was reported to have confirmed that political executions were continuing. The majority of the victims had been sentenced by special courts martial. The spokesman refused to divulge figures, but "unofficial sources and released prisoners" reported 10-12 hangings each week. (*D. Mail 30.11.79*).

The regime's Minister of Justice Mr Chris Andersen has criticised Lord Soames's decision to commute the 11 death sentences, as "inconsistent with the agreement as to the capacity in which it was said he (Lord Soames) would govern". Mr Andersen said that most of the cases were "cold-blooded brutal murders, committed for gain and against helpless victims, all but two of whom were women and children". He "termed the Governor's decision to commute all the cases before him, irrespective of circumstances, unfortunate and unjust". (*BBC 8.1.80*).

STOP PRESS

IDAF has learned that the death sentence on 16-year-old LEAVIT KATUMBA (see above) was commuted to 15 years imprisonment and 12 cuts on a date prior to the Governor's arrival. It also appears certain that all 11 death sentences commuted by Lord Soames concerned ordinary criminal cases of murder and not political offences.

On 17 January death sentences imposed on

TELEGRAM TO IDAF.

Thank you for your telegram of 14 December.

I can assure you that the problem of detainees and prisoners in Rhodesia (in all categories) is one which has concerned me since I arrived and of course continues to do so. All but a small number of those persons who were detained by ministerial orders under the emergency powers regulations have now been released and the remaining cases in that category are being reviewed. I have made an amnesty ordinance in respect of all acts committed in good faith either in furtherance of the rebellion or in resistance to it, and a review is being conducted with a view to releasing, so far as this can safely be done, all prisoners who are serving sentences for offences covered by this amnesty. As the ceasefire become effective, it should naturally follow that the numbers of those temporarily detained for investigation under the emergency powers regulations will fall, and I intend to see that this happens. The same applies to those detained under martial law. Martial law courts no longer operate.

On the question of executions, you will appreciate that capital punishment is part of the ordinary criminal law of Rhodesia as it is of many other countries. But no executions can take place until I have decided whether to exercise the prerogative of mercy. Since my arrival the cases of eleven persons who had been sentenced to death for murder and who had exhausted all their rights of appeal have been submitted to me and I have felt able to commute the sentences to life imprisonment in all cases.

Soames

a further two men for murder were upheld by the regime's Chief Justice, Mr. Hector Macdonald, in the Appellate Division. Mr. Macdonald sharply criticised Lord Soames's action in commuting previous sentences. The British Governor's office, for their part, noted that there could be "no question of the Governor's absolute right to exercise the prerogative of mercy". (*FT 18.1.80*).

CONVICTED POLITICAL PRISONERS

Despite press reports quoting British sources in Salisbury to the effect that all political prisoners other than martial law detainees have been released (*GN 8.1.80*), the IDAF has received information that as many as 4,500 convicted political prisoners may still be in custody, together with significant numbers of detainees held both under the martial law and emergency regulations. (see below).

The discrepancy apparently arises from different definitions of the term "political prisoner". The IDAF has always maintained that all persons sentenced to prison terms under the Law and Order (Maintenance) Act or other security legislation, or for other offences which clearly indicate their involvement in the armed liberation struggle, should be regarded as political prisoners. Lord Soames's administration, however, appears to have taken over a definition used by Bishop Muzorewa in the last days of his premiership of Zimbabwe-Rhodesia - namely: one admitting that the regime does hold a number of persons convicted of "offences of a political nature", but maintaining that others sentenced to prison terms in connection with the liberation war have been guilty of "crimes of violence" and hence do not qualify as "political" cases. (For most of the period since UDI, the regime denied that it held any political prisoners of any description). In other words, Lord Soames

appears to be guided by the regime in deciding which of the prisoners in Rhodesia's jails are "political" and hence qualify for release.

A significant number of convicted political prisoners were released by the regime itself shortly before the British Governor's arrival. On 21 November 1979 the Minister of Law and Order Mr Francis Zindoga announced that a number of convicted political prisoners and detainees were going to be released within the next few days. Speaking at a press conference on his return from London the next day, Bishop Muzorewa said that by the following weekend, "no more than 19 hard-core political prisoners" would remain. (*T 22.11.79; BBC 24.11.79*).

It was revealed that in fact a total of 1,377 political prisoners were due to be released, while 424 other prisoners convicted under security legislation had already been freed since June 1979. Of the 1,377, around 70-80 are believed to have been persons detained indefinitely under the Emergency Regulations. The remainder, around 1,300, were convicted political prisoners, most of whom were in November 1979 serving sentences under sections 24 and 51 of the Law and Order (Maintenance) Act - aiding and abetting, or failing to report, guerillas, and attempting to go for guerilla training.

These releases, and action subsequently taken by Lord Soames to review the cases of persons sentenced for offences covered by the Governor's amnesty ordinance with a view to releasing them "so far as this can safely be done" (see telegram and AMNESTY ORDINANCE), still leave the status of persons convicted under other sections of the Law and Order (Maintenance) Act in doubt. The other sections of the Act which most frequently feature in political trials are 37 (possession of arms of war); 38 (arson and the use of explosives); and 50 (acts of terrorism and sabotage). All these carry the death penalty and concern offences which are presumably construed by the regime as "crimes of violence". In fact the prisoners concerned are in many cases guerillas captured in the field and who should therefore properly be regarded as prisoners of war, or persons found guilty by association with guerillas but who did not themselves fire fatal shots or otherwise commit injury.

A figure of 4,500 convicted political prisoners remaining in custody indicates that political trials have been taking place on a far more extensive scale than previously known. (In September 1979 the IDAF knew the names of 1,503 convicted political prisoners). In particular, it would appear that the special courts martial were extremely active during their 12 months of operations.

DETAINEES

It appears that most persons detained on an indefinite basis under the Emergency Regulations (under orders issued by the Minister of Law and Order) have now been released, although an unknown number of persons remain in short-term detention (up to 60 days) under orders issued by the police. In addition there has as yet been no move to release martial law detainees (see below).

A review of the cases of an estimated 70 people still held in detention under ministerial order was initiated by Lord Soames shortly after his arrival in Rhodesia. On 28 December a British official revealed that 41 persons were still held and that these would only be released once the British administration was satisfied that the ceasefire was working. 10 "senior guerilla leaders" were reported to have been released from detention on 3 January. (FT 29.12.79; GN 4.1.80).

MARTIAL LAW

Martial law, first declared in Rhodesia in September 1978 and subsequently extended to virtually the entire country, including the prisons (see FOCUS 25 p.2), remained in force as FOCUS went to press. The position of Lord Soames's administration has been that martial law will only be lifted when the ceasefire is seen to be "effective". It appears that no steps will be taken to release persons detained without charge under the martial law regulations until that time. There are believed to be at least 7,000 martial law detainees, and possibly as many as 18,000 according to some reports (T 22.11.79).

Following the declaration of prisons as martial law areas in October 1979, the regime ruled that martial law detainees should be held

Lord Soames's telegram to IDAF (see text) suggests that the British authorities do not rule out the possibility of significant numbers of people being "temporarily" detained without charge for "investigation" purposes, at the time of the February elections. The police and other security forces retain their powers of arrest and detention without warrant and have continued to use them since the ceasefire came into effect. Speaking in the British House of Commons on 13 December the Under Secretary for Foreign and Commonwealth Affairs Mr Richard Luce stated that Lord Soames's object in reviewing detention orders was to secure the release of those detained on "political grounds", but not those whose release would constitute "a threat to public safety and order". (T 14.12.79).

incommunicado. They are not allowed to receive visitors or to engage in any correspondence with the outside world. They can also be required to do hard labour, as if they were convicted prisoners.

Trials by special courts martial, or military courts, however, have been halted by Lord Soames. (T/Tel 22.12.79).

Under the martial law regulations, members of the Rhodesian security forces, including the police, auxiliaries and foreign mercenaries, have sweeping powers to take whatever action is considered necessary to suppress "terrorism" and maintain law and order. These powers remain at their disposal under Lord Soames's administration. The precise legal position is somewhat unclear in that Mr Richard Luce, the British Under Secretary for Foreign and Commonwealth Affairs, told the British House of Commons on 12 December that martial law had been "suspended" on the

RESTRICTION

Many of those detainees who have been recently released have since had their freedom of movement limited by being issued with restriction orders. The convicted political prisoners released by the regime have also only been freed on condition that they do not participate in political activities during the period that their sentences should have run. (T 23.11.79; see FOCUS 25 p.2). Representations have been made to Lord Soames by the Patriotic Front regarding these continuing restrictions on political activists, police harassment, the retrieval of party property confiscated by the regime, and other matters of concern for their effective participation in the forthcoming elections. (FT 20.12.79).

Governor's arrival in Salisbury that day. "It had been agreed by all the parties at Lancaster House that once the ceasefire had been finally agreed and implemented martial law would be removed altogether", he said. (T 13.12.79).

CHILDREN INTO EXILE

A 40-minute film of the children in a Zimbabwean refugee camp at Matenje in Mozambique was made by Vara Broadcasting (Netherlands) in December and shown on Dutch television as part of the Children Into Exile appeal.

CHILDREN INTO EXILE is a special project for International Year of the Child to provide material assistance — including sports equipment and simple toys — to improve the quality of children's lives in the refugee camps of Southern Africa, and help those displaced by the war.

Over a quarter of a million refugees from Zimbabwe, Namibia and South Africa have fled into neighbouring countries to escape apartheid, political repression and war. The majority of those in exile are children and young people, many of whom have lost their families and homes. Food and shelter are provided by the camps, but many necessities are in short supply. Children interviewed at Matenje by Mrs Rica Hodgson of IDAF mentioned soap, sewing machines and footballs as some of the things they lacked.

Further information and a booklet outlining the need for the appeal are available from Defence and Aid Fund, 2 Amen Court, London EC4M 7BY, and affiliated National Committees.

ANC (SA) PRISONERS

Representations have been made to the British government to order the release of members of the African National Congress of South Africa currently held in Khami Maximum Security Prison outside Bulawayo. A list of 18 names was made available to the United Nations Security Council in December 1979 as mandatory sanctions against the Rhodesian regime were being lifted. The matter is understood to be in the hands of the Nigerian Ambassador Akporode Clark (RDM 30.12.79).

The ANC prisoners have been held in Rhodesia since their capture in 1967-8 during joint guerilla operations with members of ZAPU (Patriotic Front), and subsequent trials under the Law and Order (Maintenance) Act. They are mostly serving sentences of 20 years or life imprisonment, in some cases following commutation of the death penalty. Biographical details of the men were published in FOCUS 20 and also included in briefing material submitted by IDAF to the delegations attending the Lancaster House talks. ("Political Prisoners in Rhodesia in 1979", IDAF, September 1979).

PROTECTED VILLAGES

No plans had been announced as FOCUS went to press to dismantle protected villages and enable inmates to return to their old homes in time for the elections. Under the Lancaster House agreement this was one of the matters left to be resolved by the Governor.

The ceasefire has in fact provided the regime with an opportunity to reinstate its control over the protected villages, a number of which appear to have been abandoned by the end of 1979 in the face of guerilla attacks. The auxiliary forces are apparently being used for this purpose.

Just published

POLITICAL PRISONERS IN RHODESIA IN 1979

IDAF FACT PAPER No. 7

This publication reprints the text of submissions made by IDAF to the delegations attending the Lancaster House Conference. Topics covered include political trials, detentions, illegal executions, martial law and the state of emergency.

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RHODESIA: AUXILIARIES AT LARGE

The Muzorewa-Smith regime is intending that the security force auxiliaries, or private armies, play a significant role in the forthcoming Common Roll elections at the end of February. A number of correspondents and other observers have reported to the effect that "the auxiliaries are being deployed around the country with the deliberate intention of coercing people into voting for Bishop Abel Muzorewa, leader of the United African National Council (UANC)". (T 25.1.80)

There is now considerable evidence that in contravention of the terms of the Lancaster House agreement on Rhodesia, the auxiliary forces were not withdrawn to base on 28 December 1979, the start of the ceasefire period, but continued to be deployed around the country. On 6 January Lord Soames revealed that he had authorised units of the Rhodesian armed forces to leave their bases to assist the Rhodesian police to maintain law and order. British officials in Salisbury subsequently confirmed that members of the security force auxiliaries were still guarding protected villages, regardless of the ceasefire. (BBC 7.1.80; FT 11.1.80)

These revelations by the British authorities in Salisbury followed a series of protests from the Patriotic Front, to the effect that sections of the Rhodesian armed forces, notably members of the auxiliary forces, the Selous Scouts and "paramilitary formations", had not been withdrawn but were instead moving into areas evacuated by Patriotic Front guerrillas. In a message to the British Prime Minister on 8 January, the President of ZANU (Patriotic Front) Mr Robert Mugabe stated that there was "absolutely no evidence that the auxiliary forces of Bishop Abel Muzorewa have disengaged and assembled at any base". He further alleged that areas from which the Patriotic Front had withdrawn were being reoccupied in a definite strategic pattern", in contravention of the Lancaster House agreement (BBC 10.1.80).

The security force auxiliaries developed out of the private armies recruited by the black parties to the internal settlement agreement of March 1978. (See FOCUS 18, September 1978; "Private armies" in Zimbabwe, IDAF, February 1979) The regime itself claims to have, or to be in the process of training, more than 25,000 auxiliaries, following the announcement in November 1979 of a crash programme to recruit and train an extra 15,000 men. Accord-

ing to one report, "the sudden expansion... was ordered by (Bishop Muzorewa) last month when he realised that the Lancaster House talks were likely to lead to Patriotic Front participation in a general election". (GN 28.11.79) The regime's military preparations were reflected in a 19% increase in its defence and security expenditure at this time, bringing its official spending on the war to about £0.9 million a day, nearly 41% of its total budget. Rh\$ 42.9 million out of supplementary estimates totalling Rh\$ 84.5 million and tabled in the House of Assembly in November 1979, was set aside for the expansion of the auxiliary forces. (GN/FT 28.11.79; Debates 29.11.79)

While the SFA's operate in practice as a paramilitary wing of the UANC, they have been officially part of the Rhodesian security forces since July 1979, when it was announced that they were being integrated into the Combined Operations structure, issued with a standard uniform and paid regular salaries.

The auxiliaries played a key role in turning out the vote for the UANC in the April 1979 elections and there is extensive evidence that they have been responsible for intimidation and harassment on a wide scale, as well as general crime and lawlessness. While they include a number of former guerrillas, the majority have been recruited from the unemployed and criminal elements, the prison population and in some cases from protected village. They are given only rudimentary training. (see FOCUS 18, 21 & 22; BBC 24.10.79)

The SFA deputy chief of staff, Commander Max, a former guerrilla and a member of the UANC, attended the Lancaster House talks together with the regime's Commander of Combined Operations and the BSA Police Commissioner, to be on hand for "consultations" as required. In November 1979 Max stated that any suggestion that the SFA's should be suspended or disbanded during the transitional period should be treated with "contempt". (BBC 17.10.79; SM 11.11.79)

In the field, the auxiliaries have little direct contact with the regular Rhodesian army and are controlled through liaison officers drawn from the Rhodesian Special Branch, the Selous Scouts or other intelligence services. At the end of 1979 it was reported that a new formation called "Group Five" had been set up within the security forces under the command of a former officer of the Rhodesian SAS, which would co-ordinate the activities of all auxiliary and "special forces" such as the Selous Scouts and their successors (Soldier of Fortune Dec 1979)

The auxiliary forces are almost certainly responsible for many of the alleged "cease-fire

violations" reported by the regime since the end of December. Considerable evidence for this has been collected by the Catholic Commission for Justice and Peace. In one incident on 5 January 1980, for example, more than 150 auxiliaries were reported to have moved into a village in the Weya TTL between Salisbury and Umtali, the day after Patriotic Front guerrillas had left the area for assembly points. 13 young people were arrested and had not been heard of since. A detailed report of beatings and intimidation by auxiliaries was being sent to Lord Soames by the CCJP. (Obs 13.1.80)

Descriptions of the way in which the regime is intending to use the auxiliaries during the run-up to the elections have been published in the press following a visit to an auxiliary training camp arranged for pressmen by the Rhodesian Ministry of Information — apparently without the knowledge or consent of Lord Soames's office. (FT 26.1.80) The camp was situated at Zaka, in the Ndanga TTL, about 50 miles south-east of Fort Victoria. "The only election posters in the vicinity were those of the UANC, even though the region is known to be a stronghold of Mr. Robert Mugabe's ZANU (PF) party". (T25.1.80) According to Major Nick Fawcett of the Rhodesian army, the auxiliaries' main function is to "win over the local population and to motivate it to support the (former) Government of National Unity and its administration". Another function is to "propagate the national psychological message" of "Zimbabweism", comprising the four principles of nationalism, democracy, livelihood and peace, and through which the auxiliaries are projected as the people's friends and defenders against "communist terrorists".

For the last six months, according to these reports, the auxiliaries in the Fort Victoria area have been operating on the basis of the "green area concept". An auxiliary unit of about 50 men is placed in an area of four miles in diameter from which they first expel the guerrillas and then establish themselves among the local population. Once this is done the area under their control is gradually enlarged, with the aim of establishing a chain of interlocking "green areas" to completely neutralise the guerrillas in that region. Major Fawcett estimated that almost a quarter of the 120,000 inhabitants of the area around Fort Victoria were now covered by "green areas". "The auxiliaries can introduce a counter-ideology and organisation and can support their activities with force", Major Fawcett stated. He explained that one of the auxiliaries' tasks in the forthcoming elections was "to educate the people in the voting procedure". (MS 24.1.80; T 25.1.80)



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