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News Bulletin of the International Defence & Aid Fund

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focus

ON POLITICAL
REPRESSION IN
SOUTHERN AFRICA

No. 54 SEPT-OCT 1984

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SECURITY LAWS CONDEMNED

The sitting of a Commission of Inquiry established by the South African regime to probe Namibia's 'security laws' has given the Namibian Bar Council an opportunity to expose atrocities committed by the 'security forces'. The Bar Council has challenged the compliant character of the commission.

In a 51 page memorandum the council detailed an abuse of power so widespread and fundamental that 'the institutions of the rule of law such as the police, the courts, the legal practitioners, and the law itself are suspect in the eyes of the overwhelming majority of the people' (WA 24.5.84).

The Commission of Inquiry into Security Legislation in South West Africa was appointed in September 1983 following almost a year's campaigning by the Bar Council. Concern had grown due to the high number of detentions and increasing evidence of brutality by the army and police (FOCUS 45 p.9, 49 p.2).

From its inception, the Commission was criticised for its narrow scope and in particular for the preamble to its terms of reference which referred to 'the revolutionary onslaught on the territory of South West Africa and the terrorist war waged in certain parts of the said territory'. Within this context the Commission was charged to 'inquire into and to report on and make recommendations as to the adequacy, fairness and efficacy of legislation pertaining to the internal security of the said territory' (CT 13.9.83).

TERMS CRITICIZED

In spite of protests, notably from the Council of Churches in Namibia (CCN), the preamble was retained when the Commission was formally gazetted in November 1983. The Bar

Council tempered its welcome for the Commission with a call that the application of the law as well as the legislation itself should be the subject of investigation. The CCN meanwhile condemned it as 'an insincere and manipulatory effort to further entrench existing security legislation'. Additional criticism came from Hans Rohr, leader of the Namibia Christian Democratic Party, who said that bearing in mind the Commission's terms of reference it would 'serve the aim of justifying and tightening the legislation rather than abolishing it, at the same time falsely creating the impression that the rule of law is to be restored in Namibia' (WA 16.9.83; WO 9.6.84).

Previous inquiries have lacked the independence necessary to thoroughly investigate allegations of brutality by the armed forces and to institute changes in policy. In August 1983 General Magnus Malan, the Minister of Defence referred to four investigations into allegations of atrocities against civilians claiming they showed that the allegations in general were greatly exaggerated (RDM 18.8.83).

CENSORSHIP

Excessive censorship of all matters relating to security was one subject covered by the Bar Council's submission. The Commission itself is bound by stringent security measures under Proclamation AG118 of 1983. All employees of the Commission as well as anyone appointed to keep records of the proceedings are obliged to take an oath of secrecy. All evidence is to be given *in camera* unless the chairman rules otherwise. In addition, the Commission was given extraordinary powers to enter premises for the purposes of inspection or the seizure of documents. This was backed up by penalties of R200 to R1,000 or prison terms of between six and 12 months for those hindering or failing to comply with the rules of the Commission (WA 16.11.83).

The Commission's initial work received little

publicity. However, in May the Namibian Bar Council gave evidence and requested that *in camera* restrictions be lifted. Press and public were allowed in while the chairman of the Bar Council spoke to the memorandum it had submitted. At a special press conference Judge van Dyk permitted publication of all but three portions of the report — those he said contained unproven allegations.

COURT RECORDS

The Bar Council memorandum drew its evidence solely from court records. Amongst its main recommendations were a call for a major

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namibia

FREED DETAINEES 'NOT SAFE'

The 54 Kassinga detainees released in May after six years in a South African army detention camp in southern Namibia were faced with unemployment, homelessness and destitution, according to a letter from a Namibian priest to the *Windhoek Observer*. Many were given temporary accommodation at the Roman Catholic mission at Döbra until they could find work or go and visit their families.

Those who had managed to go home straight after their release were returning to Windhoek. Their relatives felt frightened that the presence of the released detainees could threaten their own safety as well as that of the returned prisoners, and advised them to go south for safety (*WO 16.6.84*).

Among the 54 released detainees were 31 whose names had been submitted in the court case brought by church leaders and relatives, and which had been banned by the South African State President on 27 April. Five of the original 37 named in the court case remain in detention, while one person was reported to have been listed under two names (*FOCUS 53 p.11; CT 29.5.84*).

Those released are:
Erasmus J. NHINDA
Daniel SHEKUNYENGE
Josephine SAKARIAS
Ester SHIKONGO
Kakwaya ANYALA
Aluteni PINEHAS
Tomas JOHANNES

Efraim KATOFA
Shombe DAVID
Nikodemus KATOFA
Eva TITUS
Abrahams LAZARUS
Achilles ANGULA
Fidelis SHIKUYENI
Slema NUUNYOMA
Kornelia EMVULA
Sofia HINALULU
Helena NASHILONGO
Heinrich AMAKALI
Friderik SHILONGO
Frasina IITENGE
Elizabeth JONA
Albertina LINUS
Amakali Christophina JONAS
Amwama NELAGO
Laina ANDREAS
Veronica FESTUS
Petrina GIDEON
Selma Januarie SHOOPALA
Christophina SHALONGO
Martha CHRISTIAN
Lucia MATHEUS
Veronica PAULUS
Helena SHIVUTE
Stefanus PENDUKENI
Gideon AMWELE
Joseph Shimbwundu AUWANGA
Jona JONAS
Justina ABRAHAM
Dawid KRONELIUS
Shimbilinga FREDERIK
Selma Martha Martin KAMATI
Louisa MATHIAS
Ester DAVID
Naemi KALILI
Laimi SHUUYA
Fenni Fiina SHINYEMBA

Sarafina SHEEHAMA
Gustav SAKARIAS
Paul I. IIPUMBU
Martha MIKA
Bernadette STEFANUS
Gabriel ENDJALA
Joseph Thomas HIDULIKA
(*Amnesty International, 8.6.84*).

COURT CASE

The court case for the release of the remaining five detainees listed in the original application resumed on 28 May, in spite of the ban issued under the South African Defence Act.

In what was described by Namibian lawyers as a 'constitutionally crucial' case, lawyers for the detainees argued that the certificate banning the case should be ignored as it was *ultra vires* and that the five detainees be produced in court forthwith and released. The South African Minister of Justice had acted beyond his powers in issuing a certificate to stop the court proceedings.

Senior counsel appearing for the applicants claimed that the military had 'no right to capture citizens of this country and hold them'. The arrests had been unlawful because the detainees did not enjoy prisoner-of-war status.

The Windhoek Supreme Court ruled on 2 June that no order could be made for the release of detainees from Mariental internment camp because of the banning of the case (*RDM 23.6.84*).

The five still in detention are William AMUTENYA, Benny AUSIKU, Ruben HAMUTENGELA, Thomas NGOTUKURA and Amalia AUPINDI. A total of 76 Kassinga detainees are believed to remain in detention following the release of the 54 (*WA 29.5.84*).

CONSCRIPTION CHALLENGE REJECTED

The Supreme Court in Windhoek has delivered judgement in a case which challenged fundamentally the right of the South African authorities to legislate for Namibia. The case involved Erick BINGA (22), a SWAPO member who refused conscription into the South West Africa Territory Force (SWATF).

Binga's resistance began in November 1982, when he was called-up to join the second South African Infantry Battalion in Walvis Bay. His initial application for exemption from military service was refused. In June 1983 his father took the matter to the Supreme Court naming as respondents the Administrator-General of Namibia, the South African Minister of Defence and the Chairman of the SADF Exemption Board. The significance of the case rested on the demand that Binga's call-up papers be declared invalid because South African laws had been imposed illegally on Namibia (see *FOCUS 48 p.8, 52 p.4*).

Three judges including the Judge President of Namibia, Justice Berker, took over four

months to consider the issues presented during the court hearing on 7-8 February. On 21 June they dismissed the application with costs.

Binga's lawyer argued that since South Africa's Mandate over Namibia had been revoked by the United Nations it was no longer legally entitled to pass laws for the territory. Alternatively, if the court ruled the Mandate still in force then the South African Defence Act, under which conscription was extended to black men in Namibia, conflicted with article four of the Mandate (*RDM 9.2.84*).

In his ruling, Judge Strydom stated that the South African State President had 'transferred authority to the Administrator-General for the administration of certain provisions of the Defence Act, No. 44 of 1957 in South West Africa' and under Proclamation 131 of 1980 he could 'require persons to register or enrol in the SWATF'. He backed up the ruling against Binga with his interpretation of the United Nations 'co-operation' in the implementation of UN Security Council Resolution 435, saying: 'This, to my mind, clearly demonstrates the Security Council of the United Nations deems the co-

operation of South Africa necessary for a settlement of the South West Africa situation, and is anxious for South Africa to retain its authority in the Territory pending a settlement.' He concluded that South Africa had acted within the bounds of its authority (*WA 22.6.84, CT 22.6.84*).

In a supporting judgement Justice Mouton ruled that laws in conflict with the Mandate need not give way to it as the terms of the Mandate were not part of Namibia's 'municipal law'. Justice Berker concurred with his colleagues without comment. (*WA 22.6.84*)

It was claimed that if the court action had succeeded it would have set a 'dangerous precedent' for the authorities. An unnamed SWAPO member stated that 'hundreds of young SWAPO members called up to join the South African Defence Force may have used the precedent set by Binga's case if the outcome was positive'. Binga had been a member of SWAPO since 1977 and submitted his membership card in support of his case. In addition, his elder brother Ismael Binga, had joined PLAN, SWAPO's armed wing, after leaving the country in 1978. Since the exter-

sion of conscription to black Namibian males in 1980 the authorities have sought to deal with the security problems posed by SWAPO conscripts without exempting them from the draft (*FOCUS* 36, p.3, *WA* 16.2.84, 26.6.84).

On 29 June lawyers for Binga announced they would seek leave to appeal against the court's decision (*RDM* 30.6.84).

'END CONSCRIPTION' CALL

A campaign to oppose compulsory military conscription into the SADF, and against the war in Namibia, has been launched in three provinces of South Africa.

The End Conscription Campaign (ECC), an idea put forward by the Black Sash women's organisation in 1983 held its inaugural press

conference in Johannesburg on 2 July. The Namibian advocate and prominent white member of SWAPO, Anton Lubowski, was a main speaker, together with the president of the Black Sash, Sheena Duncan. They later addressed an ECC public meeting in Johannesburg together with Patrick Lekota, the publicity secretary of the United Democratic Front (*RDM* 3.7.84).

SWAPO ARRESTS: A BLUNDER?

The arrest of 37 SWAPO members and supporters on 9 July, at a time when Prime Minister Botha was being received by West European governments, was portrayed in the international media as a 'blunder' which would 'severely embarrass' Botha in his efforts to improve relations with the West. Statements by South African government and security police officials insisted that the South African-controlled armed forces in Namibia had acted unilaterally, without the knowledge or authorisation of the Administrator-General.

'Informed sources' were quoted as saying that at no stage was the South African government involved in the arrests, and a government spokesman claimed that orders for the arrests had not come from Pretoria. Botha was reported to have 'demanded an explanation' about the events, while the South African Minister of Law and Order, in a letter to a South African newspaper, stressed that he had no authority in Namibia (*CT* 12.6.84; *Tel* 11.6.84; *GN* 15.6.84; *BBC* 15.6.84; *ST* (Jbg) 24.6.84).

These statements were in line with South Africa's claims that it no longer wishes to exert control in Namibia, expressed in Botha's offer to Western governments to take over the administration of the territory (*WA* 6.6.84). They appeared designed to reinforce the view that Namibians were already largely running their own affairs, including those of the police. In practice, the armed forces in Namibia are under the ultimate control of the South African Defence Force and Police, and control over all Namibian affairs lies with the South African government through its appointed Administrator-General. Far from being a mistake, the arrests were, in the view of some observers, clearly calculated to intimidate and threaten SWAPO (*RDM* 16.6.84).

President Nujoma described the arrests as further evidence that South Africa was not serious about Namibian independence, and pointed out that they took place less than a week after Botha had assured European leaders that he and other exiled leaders could visit Namibia in safety. A SWAPO statement issued in Luanda said that the detentions unmasked the 'noisy propaganda' launched by Botha during his tour of Western Europe to the effect that Pretoria was ready to abandon Namibia (*T* 12.6.84; *BBC* 15.6.84).

The arrests took place while some 106 people had gathered at the Döbra Training College owned by the Roman Catholic church to celebrate the release of 54 Kassinga detainees. Approximately 80 heavily armed, camouflaged members of the special task force, a police counterinsurgency unit, arrived and began taking the names of all those present. Almost the entire SWAPO leadership in Namibia, as well as prominent members of political groups allied to SWAPO, were detained, 30 men and seven women (*GN* 11.6.84; *FT* 11.6.84; *CT* 11.6.84).

Shortly after the arrests, the Administrator-General warned that there was no place for SWAPO in Namibia, and that further action would be taken against the liberation move-

ment if it continued the armed struggle (*CT* 11.6.84; *BBC* 12.6.84).

All 37 were released from detention on 13 June, after appearing at a late night sitting of the magistrates' court. No charges were put, but they were due to appear in court again on 13 July, when charges under the Prohibition and Notification of Meetings Act were expected to be brought. On 5 July, it was reported that the office of the Attorney General in Windhoek had decided not to prosecute (*WA* 14.6.84; *BBC* 7.7.84). Those arrested were:

Nathaniel MAXUILILI — SWAPO acting president
Daniel TJONGARERO — SWAPO deputy national chairman
Rev Ervin TJIRIMUJE — SWAPO national treasurer
Hartmut RUPPEL — a prominent lawyer
Salomon KHAMATAMA (GAMATHAM)
Abraham WITBOOI
Gertrude KANDANGA — deputy national secretary of SWAPO Women's Council
Elina NDAPUKA
Josofina SHANGALA
Gabriel ITHETE
Gregorius MAKGONE
Abraham SHAFINWENE (SHATIMWENE)
Erasmus ENDJALA (HENDJALA)

Abner (Joshua) XOAGUB

Philip TJERIJE — SWAPO joint secretary for publicity and information

Anna CHRISTIAAN — leader of Nama speaking people

Jason ANGULA

Andreas THEMBA

Mr OXURUB — Damara Council

Nico Bessinger — SWAPO joint secretary for foreign affairs

Frans KAMBANGULA — SWAPO secretary for transport

Rev Bartholomeus KARUAERA

Anton LUBOWSKI — lawyer.

Immanuel NGATJIZEKO

Petrina WITBOOI

Margaret G JOAGMANG

Rosaline NAMISES

Joshua HOEBEB

Nafta UIRAB

Rahimse KAHIMISE

Martin KAPEWASHA

Jerry EKANDJO

Paul Elliot HISKIA

Peter NANJEMBA

Abraham SHIKWAMBI

Albin ILOVU

Jefta MAHARERO — member of the Royal house of Maharero

OTHER ARRESTS

The dean of the Kavango circuit of the Evangelical Lutheran Ovambokavango Church (ELOC), Rev. Asser LIHONGO, spent a third spell in detention in May 1984. He was arrested by the South African police on 4 May. His daughter, Tuovi Onmay, was arrested on 11 May and his wife on 17 May. They were held at unknown places under Proclamation AG9. Lihongo was released without charge on 6 June. His wife and daughter were released on 28 May.

Lihongo had been detained on two previous occasions, in November 1982, and March 1983. Shortly before his most recent detention he had spoken out against threats by the armed forces against civilians in the Kavango region (*LWI* 31.5.84, 14.6.84; *FOCUS* 44 p.2, 45 p.8, 46 p.3, 48 p.11, 53 p.10).

The house of Rev. Matias NGHIPANDULUA, a headquarters official of ELOC, was raided by South African soldiers on 15 May. An occupant of the house was beaten and money was taken (*LWI* 31.5.84).

Leonard SHONGOLO, a former political detainee who had been placed under a restriction order in early 1980, was arrested by the security police on 10 February 1984, and has been held incommunicado without charge or trial. There are fears that he may have been tortured or otherwise ill-treated (*Amnesty International*, 12.6.84).

Severinus SITEKETA was detained by security police in Tondoro, Kavango, for the fourth time in eight months. The information was contained in a letter to the British Prime Minister by Hans Rohr, leader of the Namibia

Christian Democratic Party. Rohr gave no date of Siteketa's arrest, but said he was being held in solitary confinement. Siteketa was one of three detainees who, in November 1983, submitted an urgent application in court to restrain police from assaulting them (*WO* 9.6.84; *FOCUS* 53 p.10).

Frans DAVID, an evangelist of the Evangelical Lutheran Ovambokavango church, was arrested on 4 July at Kongo in the Ovambo area, one of the northernmost districts in Namibia. He is believed to be held incommunicado without charge under Proclamation AG 9. There are fears that he may be tortured or otherwise ill-treated while held in incommunicado detention (*Amnesty International*, 26.7.84).

The widespread use of Proclamation AG 9 has in recent months been strongly criticized by Namibian and international organisations (see this issue pp. 1 and 4).

PRISONS OVERCROWDED

Namibian prisons were overpopulated by 33 per cent in 1983, according to the Administrator General. Addressing a conference of magistrates and prosecutors in Windhoek, he said the authorities were seeking 'an alternative punishment system'.

The South African Secretary of Justice told a news conference in June 1984 that the current prison population in Namibian prisons was 1,700 inmates, counted on an average daily basis. He gave no figures for the number of political detainees and prisoners held (*WO* 16.6.84; *RDM* 6.7.84).

LIVING CONDITIONS DETERIORATE

Black Namibians have faced drastic increases in the cost of basic foods and services, while social provisions such as pensions and health care have been cut back. Bantustan 'governments' created under South Africa's apartheid system have been unable to raise sufficient revenue to cover expenditure on pensions, health, education and other services.

PENSION CUTS

The Rehoboth second tier authority announced in June that it would reduce pension payments. The cut-back would affect people who were not totally disabled, and maintenance grants for unmarried mothers in cases where the father of the child was still alive.

Eight per cent of the total population were receiving pensions, while the central administration only allocated a sum of R50 a month per pensioner for five per cent of the population. The shortfall, amounting to over one million rand, had to be made up by the second tier authority. The cuts were implemented from 1 July 1984 (WA 29.6.84).

HEALTH SPENDING

The costly duplication of running eleven separate health services, nominally under the control of second tier authorities, has shown up the failure of the bantustan policies imposed by South Africa. Most second tier authorities have transferred the administration of health to the central authority, which has handed it to the white second tier authority to run on an agency basis.

In April 1984, three second tier authorities tabled additional budgets, with health expenditure figuring as the largest vote. The Herero administration allocated more than half of its additional budget for health, and the Tswana second tier authority two-thirds. R4.1 million out of the total additional budget of R5.7

million tabled by the Coloured second-tier authority was reserved for health expenditure. An official of the Coloured administration said that per capita allocation for health from the central administration was R36 a month, while per capita cost had risen to R59 a month (WA 10.4.84).

An official of the Damara second tier authority explained the decision to hand back the health services to the central authority. The ethnic division of health services created opportunity for discrimination on grounds of skin colour. His administration was strangled for funds, but where the health service was run by the central authority, then suddenly a lot of money was available. 'Up to nine million rand was made available outside Damaraland because whites were running the funds whereas only a meagre R1.6 million was given to us', he said. Most of this had to be paid out in salaries, leaving only R400,000. There were two hospitals and 11 clinics in the Damara area, he said. The running costs of one hospital alone came to R400,000. He stressed that in Namibia, where the greatest proportion of the people live under the bread line, the provision of free health services was a necessity (WA 13.3.84; WO 17.3.84).

URBAN PLIGHT

Black Namibians living in urban areas have been faced with large increases in the cost of basic services. Members of the Katutura Advisory Board said the residents of Katutura could not afford to pay for increased tariffs. Bus fares were increased in March, sewerage rates in April, and water rates in July. Many Katutura residents who were unemployed were in arrears with rents. People in Katutura were earning less and yet had to pay the same tariffs as people in the white part of Windhoek who were earning thousands of rands (WA 29.6.84).

The budget for the city of Windhoek which includes Katutura and Khomasdal, was tabled for the financial year commencing on 1 July 1984. Out of a total budget of R81.7 million, R53.8 million was allocated to Windhoek, R23 million to Katutura and R4.9 million to Khomasdal. The population of Windhoek, which is almost exclusively inhabited by white people, was 40,500, compared to 56,370 in Katutura and 23,130 in Khomasdal. An official of the Windhoek City Council explained that the lower budget for Katutura was misleading because capital expenditure budgeted for Windhoek included money to be spent on infrastructure systems which would also serve Katutura and Khomasdal. These included sewerage systems, extensions to the purification and reclamation works, and water storage reservoirs (WO 26.5.84). Reports on living conditions in Katutura and Khomasdal have nevertheless shown that both areas are deprived of many basic amenities ('Children of Namibia', FOCUS Briefing Paper No. 10 March, 1984).

COST OF LIVING UP

The cost of all goods was increased in July by a rise in the General Sales Tax (GST) from seven to nine per cent. This followed an increase in GST from 6 to 7 per cent in 1983. There were strong protests from black consumers, and women formed an 'Action GST' group collecting thousands of signatures opposing the increase. Only unsifted maize meal, standard brown bread and milk were exempt from the recent increase. Action GST demanded that GST be removed from all food items (WA 22.6.84).

Daily food tariffs were also increased at the Katutura compound accommodating contract workers. An eight per cent increase was implemented on 1 March, bringing the daily cost of food for residents to R2.10 (WA 27.1.84).

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overhaul of all security legislation, an immediate investigation into the behaviour of the armed forces, in particular the special police unit Koevoet, and the abolition of the death sentence for all 'contraventions of security laws'. It focused on the growing power of the executive and armed forces at the expense of the judiciary. On the terms of reference it stated that 'many citizens in the divided society of SWA did not see their side as "terrorists" and neither did they see the security forces as their protectors'. Many people saw not an 'onslaught on the territory of SWA' but rather a resistance which included an 'armed struggle' against a 'foreign power' (WO 26.5.84).

The memorandum called for drastic amendment of Proclamation AG9 so that detention would only be allowed for the purpose of interrogation and not as at present to remove people from society for an indefinite period. Interrogation sometimes occurred only once if at all during a period of detention. Two women who were held for a month were never questioned on the grounds that the security police knew they would lie.

Evidence from the courts showed that it was impossible to safeguard detainees under the present regulations. Detainees should be permitted access to their families, their lawyers and to the Supreme Court. The Administrator-General was criticised for detaining people at the request of the security police without making an independent investigation. Court cases showed the horrific conditions under which detainees were held: confined to cells in which they could not stand, deprived of air and light,

subjected to assault and torture; people disappeared from their homes without trace and police withheld information about them.

POLICE POWERS

The Bar Council strongly criticised the situation where the power of the police exceeded that of the courts and the judicial officers.

Another section of security legislation which came under review was Section 103 (ter) of the South African Defence Act 44 of 1957 which grants immunity to members of the armed forces whenever their deeds are *bona fide* for the prevention or suppression of terrorism in any operational area. This clause has allowed soldiers to escape conviction for criminal deeds, as shown in the recent acquittal of two SADF members on a charge of armed robbery. Their trial also raised the question of how many cases never reached the courts because of the immunity and secrecy provided for in the Defence Act. In addition, it showed that SADF soldiers had access to uniforms of FAPLA, the Angolan armed forces, and PLAN, enabling them to commit crimes in the name of SWAPO (WO 26.5.84).

'PROGRAMMED KILLERS'

In particular the Council added its voice to those condemning the policing of Namibia (FOCUS 50 p.9). It charged the Commission not only to investigate instances of atrocities but to look at the training methods by which 'programmed killers' were produced. Evidence could be found in the recent trial of Koevoet

members Paulus and Matheus and the earlier trial of a member of the police special task force for the cold-blooded shooting of a waiter in Windhoek. Recently a senior member of this unit was seen with the following slogan emblazoned across him: 'Killing is our business, business is good'. The Council contested the need for any police unit whose job was not to arrest suspects and bring them to trial but to shoot them.

The Minister of Law and Order was prompted to reply to the memorandum, making his second defence of Koevoet within two months. He called it an outstanding unit and ascribed responsibility for all atrocities to deserters (WA 2.5.84, 22.6.84).

In conclusion the Bar Council made the point that those few instances which came to court, and on which all its evidence was based, should not deceive people that the administration of justice was in a 'healthy' state. This could not be so while people disappeared without trace, were killed and buried without inquest, were murdered by persons unknown, were frightened to complain to the authorities or where wrong-doers were shielded from prosecution by the security legislation itself.

Judge van Dyk said the Commission expected to finish hearing evidence by the end of 1984 and should report by the middle of 1985. Amongst other groups submitting evidence have been the Council of Churches in Namibia, the International Committee of the Red Cross and the South West Africa Police which submitted eight volumes of evidence (CT 24.5.84).

TOWNSHIP PROTESTS

south
africa

The local authorities set up by the government to administer black people in urban areas outside the bantustans continued to rouse widespread opposition from town dwellers dissatisfied with poor living conditions and increased rents. Protests were also directed against tax increases on a range of essential commodities. The protests, as well as a proposed change by the government in the financing of the local councils in African townships, underlined the lack of viability of the separate political structures set up to administer the black urban population made to live in segregated townships.

The councils in African townships, depending largely on rents and tariffs for services to generate income, and working under the close supervision of the government's appointed regional development boards (previously known as administration boards), have little support. Council elections in November 1983 were widely boycotted. Since then a variety of tactics has been employed in opposition to the council system and to specific policies (*RDM 7.12.83; see FOCUS 50 p.1*).

- In July protests in the township of Tuma-hole, near Parys in the Orange Free State against rent and tax increases, culminated in the arrest of more than 50 people who were later charged with public violence, theft and creating a public disturbance. One person arrested during the protests, Johannes Bonakele NGALO (26), died in police custody fourteen hours afterwards, it was thought from multiple injuries. Police alleged that Ngalo was injured in a brawl with another man, later charged with murder. However, the family of Ngalo announced it was suing the Minister of Law and Order for wrongful arrest, detention and damages in respect of his death.

The protests, involving about a thousand youths, continued for several days and police used teargas and batons against the protesters (*GN 17/19.7.84; MS 19.7.84; RDM 21.7.84*).

- Residents in Thokoza on the Witwatersrand belonging to the Thokoza Progressive Association announced their intention in April to petition the Supreme Court to declare the 1983 town council elections null and void (*S 18.4.84*).

- In June civic associations in two townships on the Rand launched protests against higher rents. The Tembisa Civic Association organised a meeting to get signatures and objections from residents, following a legal victory against earlier rent increases in April. In Daveyton, after the announcement in May of rent increases of 80 per cent and increased service charges, three civic bodies threatened legal action. Residents marched to the council chambers in protest (*S 30.5.84, 5/7/12.6.84*).

- In the Western Cape four hundred Nyanga residents marched on the Western Cape Development Board offices demanding electricity in the township and protesting against government intentions to move them to the township of Khayelitsha, 25 miles outside Cape Town. They were also opposed to moves by the Board to demolish backyard shelters. Police used a 'sneeze machine' and rubber bullets to disperse the demonstrators (*CT 20.6.84; Argus 26.6.84*).

- In July residents of Mitchell's Plain, a Coloured township outside Cape Town, protested against the increases in sales tax and higher rents, and demanded a hospital for their area. They also expressed opposition to the elections for the new parliament in August and to conscription. A protester was arrested and charged with attending an illegal gathering (*RDM 3.7.84; see POLITICAL TRIALS*).

'TOWN' AND 'VILLAGE' COUNCILS

In Soweto an organisation called the South

Africa Suicide Squad claimed responsibility for a series of petrol bomb attacks during 1984 on the homes of councillors in the area. By June five Greater Soweto councillors had had their homes petrol-bombed, some more than once. The council appealed to the government in March to increase councillors' pay because of the 'high risk' involved in their jobs: they said that over 90 per cent of Soweto residents completely rejected them, placing them in a position of some danger. In June it was reported that the council was under an armed twelve-hour guard, while the 'mayor', Ephraim Tshabalala, was being guarded 24 hours a day (*SNS 7.3.84; FM 15.6.84; S 28.6.84*).

A petrol bomb was also used to attack the home of a councillor at Duncan Village, near East London in February. It was believed to have been in response to the council's decision to press authorities to demolish 'squatter' shacks in the Ndende area (*SNS 7.3.84*).

The new 'town' and 'village' councils which are being set up under the Black Local Authorities Act to replace the community councils, are charged with a wide range of responsibilities. But their powers are still limited and they must still submit their investment proposals and budgets to the Minister of Co-operation and Development (*Star 22.11.83; see also FOCUS 50 p.1*).

The new councils have inherited huge debts from their predecessors: by May Soweto was faced with a debt of R13 million and this was rising at the rate of R2 million per month. In June it was announced that the financial problems of the councils would be partly relieved by three new taxes to be levied on industry and commerce, providing more than R2,000 million per year. The scheme, drawn up by the Croeser Working Group operating under the Department of Finance, constitutes an acknowledgement by the government of the inadequacy of previous financing methods which relied heavily on rents and income from liquor sales. (*RDM 27.6.84*).

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WORKERS ON TRIAL

A variety of laws including the Internal Security and Intimidation Acts and the trespass laws continued during recent months to be used to disrupt trade union activity. In addition a miners strike in June was violently suppressed.

In April, trade unionists from the Metal and Allied Workers Union (MAWU) protested at the high bail demanded for 176 workers at the Auto Cables factory in Brits who were remanded on unspecified charges following a three hour work stoppage. A union spokesman feared that the workers, mostly women, would have to spend the two-month remand period in prison, as the bail requirement of R100 for each worker – a total of R17,600, would be very difficult to raise: 'Auto Cables are responsible for separating scores of workers from their children simply because they disagreed with it over a dismissal' (*RDM 26.4.84*).

- Albert WITTELS (WHITTLES) (24) a member of SAAWU who was detained in 29 March,

later appeared in court charged with belonging to a banned organisation. In September 1983 the bantustan authorities in the Ciskei banned SAAWU when they accused it of being responsible for organising the bus boycott there. SAAWU has begun a court action challenging the ban which carries a maximum penalty of 10 years' jail (*FOCUS 49 p.10*).

Many SAAWU members in the Eastern Cape work in East London but live in the dormitory township of Mdantsane, which is within the Ciskei bantustan. However, Wittels lives in Shornville, a black township of King William's Town, outside the Ciskei and works as a computer operator at the Da Gama Textiles factory within the bantustan.

Most of the argument in the case concerned details of Wittels' arrest. The Ciskei security police claimed Wittels was arrested at work in possession of his SAAWU membership card. Wittels alleged he was detained by South African security police who searched his home and found his membership card. The following

day he was taken by them to his place of work where Ciskei police were waiting to arrest him.

On 2 May he was acquitted on the grounds that the state had failed to prove its case and because the court was satisfied the accused did not take his membership card freely and voluntarily into Ciskei (*FOCUS 52 p.6; DD 3/5/17/18/19.4.84, 4.5.84*).

- Arrests for trespass and intimidation resulted from a strike in mid-April at the Potchefstroom plant of Triomf Fertilisers. The entire workforce of 400 was sacked following a refusal by several workers to undergo alcohol tests. Sixteen workers were arrested on the day of the strike and were charged with intimidation together with three more arrested a few days afterwards. They were granted R500 bail and ordered to appear in court on 2 May. On 25 April a further six strikers were arrested at their hostel and charged with trespassing.

The South African Chemical Workers Union said that in both cases the arrested workers had

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DETENTIONS

Since May there has been a sharp increase in the number of detentions accompanied by even stricter censorship of newspaper reports about them. The Minister of Law and Order stated that 70 people had been detained under Section 29 of the Internal Security Act during June. This was twice the number recorded by the Detainees Parents Support Committee (DPSC) who monitor all known detentions. According to the press the DPSC issued a statement asking 'whether any of the detainees were refugees handed over by compliant neighbours, captured fighters of the ANC or people whose relatives had simply been "frightened into silence"' (RDM 13.7.84).

NEWS CENSORED

The question of press censorship of news about detentions received some unexpected publicity in June when the police invoked the Protection of Information Act for what is believed to be the first time. The action was condemned by, amongst others, the Detainees Parents Support Committee and the Southern African Society of Journalists. Eventually some twenty detainees were listed but the exact details remained unclear, with the police and government spokesmen contradicting each other.

On 13 June a newspaper request to confirm a detention was refused by the South African Police who referred the paper to Section Four of the Protection of Information Act. This prohibits any information relating to a 'security matter' or 'the prevention or combatting of terrorism' being published 'for any purpose which is prejudicial to the security or interests of the Republic'. There is a penalty of R10,000 and/or 10 years in jail attached to the offence.

On 20 June the Minister of Health, deputising in Parliament for the Minister of Law and Order, denied that the Protection of Information Act had been invoked to prevent publication of information about detentions in Daveyton. Following the parliamentary statement two newspapers carried reports of the Daveyton detentions which had taken place on the nights of 10 and 11 June.

Seven people including a grandmother, Violet Nomsa NDUNA, and her two year old grandson Ayanda were detained in a raid on the family home on 10 June. Ten car loads of police, some armed, searched the house and grounds with police dogs, confiscating books and pamphlets and digging up the yard apparently in search of arms. Xolani NDUNA, Vuyo NDUNA and Nothando NDUNA were also held and it was later confirmed that Xolani, an organiser with the Chemical Workers Industrial Union (CWIU) was detained under Section 29 of the Internal Security Act. Another trade unionist, Zanemvula MAPHELA of the Paper, Wood & Allied Workers Union was detained with him. Both unions are affiliates of FOSATU but the Minister said the arrests were not in connection with FOSATU business. A third person named only as 'TSHEDISO' was reportedly also held. The following night there was a raid on another house in which three people were detained: Duke Madoda GIDANA, Dennis Wandu Gonxeka and Michael Velile MTWAZI. One report said that MTWAZI had been released.

On 26 June the Police confirmed that the Protection of Information Act had been used. The following detentions were also confirmed:

Mundu S. MABENA, Miriam MOKOTI, Erasmus NXUMALO, Siphon NGWENYA and Dubane J. TSOTETSI on 24 May; Joseph LEEPILE on 29 May; Lehlobo RANTATSI on 30 May; Lesley NDLOVU on 5 June and Zanemvula MAPHELA on 11 June. The report said that Vusi NDUNA and Vuyo NDUNA were not being held under 'security legislation'. Other reports described Tsotetsi and Mabena as sisters. Tsotetsi is a funeral director.

In the House of Assembly on 20 June a Minister stated that 'a number' of people were held 'on or about' 2 June (S 7.6.84, 26.6.84; RDM 13/21/26/27.6.84; SNS 4.7.84).

ESCAPED DETAINEE

A man held under Section 29 of the Internal Security Act escaped from custody on 29 June while being taken from Alexandra police station to Protea. With the aid of an accomplice, possibly someone also in custody, the man reportedly overpowered two police guards at an interchange, to the south of Johannesburg, and escaped in their car. In spite of a massive air and ground search the man was not recaptured. Helicopters used in the search included one from the South African Air Force and another commandeered from a local radio station. Full details of the escape were withheld for 'security reasons' but the police guards were reportedly thrown out of the car and not harmed. The man allegedly took weapons from the guards before making his getaway and there were unconfirmed reports of a brief exchange of gunfire. The abandoned car was found in the early hours of 29 June. Initially police refused to identify the escaped detainee but on 11 July he was named as Justice Mafa Hlomuka NGIDI (30) formerly of Alexandra township (RDM 29/30.6.84, 13.7.84).

ARMED STRUGGLE

There were many reports of the detention of alleged guerillas but few details of the people concerned. On 22 June the Minister of Law and Order said 18 alleged ANC guerillas had been detained since March. On 10 July another statement from him gave the number as 47 trained guerillas either killed or detained. On 30 June the Deputy Commissioner of the Security Police reported the detention of people involved in armed attacks in the Orange Free State while further detentions of unnamed people followed a shootout with police near Durban on 8 June (CT 12.6.84; RDM 23.6.84; S.Exp. 1.7.84; BBC 12.7.84).

On 20 May it was reported that Tim BROWN, a junior duty manager at a Durban hotel, had been detained since 18 April. This was disclosed at the same time as Brown's brother, Clifford Brown, was named as one of four alleged guerillas killed by police on 14 May (DD 21.5.84; see REVIEW: ARMED STRUGGLE).

A car bomb explosion in Johannesburg on 15 June led to at least one detention. Jimmy MATABANE (26) suffered multiple injuries to his chest and legs in the blast outside a used car showroom. No other people were injured but damage to property was extensive. Matabane, who was described in early reports as a passer-by, was conscious when taken to hospital. However, the press were refused permission to speak to him and a heavy police guard — six of them armed — surrounded him. On 11 July police confirmed he was being held under Section 29 of the Internal Security Act (RDM 16.6.84, 12.7.84).

At the end of June police in Pietermaritzburg released the names of two men they had detained during the month. Machina XULU (24) of Sobantu and Lucky PAYI (20) of KwaMashu were held under Section 29 of the Internal Security Act. A newspaper report indicated that Payi and Xulu were amongst the eighteen people referred to by the Minister of Law and Order on 22 June (RDM 30.6.84).

TRADE UNIONISTS

At the beginning of July there were at least five trade unionists detained under Section 29 of the Internal Security Act. Rita NDZANGA, treasurer of the General and Allied Workers Union (GAWU) and Amos MASONDO, GAWU's organising secretary, were detained early on 26 June. Both have been detained previously — Masondo most recently in August 1983 and Ndzanga in 1981—2 (RDM 29.6.84; Star 2.7.84).

Moses Duma Nkosi, a shop steward with the Commercial, Catering and Allied Workers Union, was detained in the middle of June although this was only confirmed on 10 July. In addition trade unionists were amongst those detained in Daveyton (RDM 11.7.84; see also 'NEWS CENSORED' above).

DURBAN

Two people were detained in Durban on 16 June, one of whom was badly tortured, David GASA, a former member of the ANC and founder of the Umlazi Residents Association, was detained at his home. Gasa was banned between 1981—3.

Alfred Phiwinihlhla MKIZE was allegedly tortured with electric shocks until he needed hospital treatment. His family applied to the Durban Supreme Court on 7 July to get an order restraining the police from assaulting him or removing him from the hospital against medical advice. A doctor's affidavit supported their case. The court ruled that Mkize should stay in hospital until 17 July when the case would be heard (MS 9.7.84).

YOUTH ON TRIAL

As unrest continued in the Eastern Cape police made a large number of arrests in Cradock and Graaff-Reinet. Children as young as 10 years old were among victims of the repression.

At the end of June the three-month ban on all meetings in Cradock was renewed for a further three months. The Minister of Law and Order said there was 'no chance' of an early release from detention of Matthew GONIWE the teacher whose dismissal had sparked the original protest (see FOCUS 53 p.7).

Goniwe and three others were held in preventive detention under Section 28 of the Internal Security Act on 30 March. Although the law allows the Minister discretion to pay an allowance to such detainees, by 20 June none was receiving any money. Questions were raised in Parliament about Fort CALATA, a teacher whose salary was being withheld, only to be paid if he was released without charge. Calata's wife was dismissed from her job following conviction for wearing a 'Free Mandela' T-shirt. Calata reportedly suffers from pulmonary tuberculosis (CT 17.5.84; RDM 21.6.84, DD 30.6.84).

Between 2 April and 13 May 49 students were detained in the Cradock area. One, aged 10, was held for three days before being released. Charges laid against the child were withdrawn. However, twenty-one others aged

between 14 and 15 were charged with public violence and attempted arson. During their period in custody they received no visits from social workers (RDM 5.6.84, 28.6.84).

At least two young detainees were allegedly assaulted whilst being held. Mziwoxilo PLAATJIES and Lingekile FOSE, both aged 17, were reportedly taken to a doctor to get certificates about their injuries (CT 7.5.84).

At the beginning of June it was stated that 98 people had been held under the Criminal Procedure Act during the unrest of whom 75 had been charged with public violence, 15 with attempted arson, seven with intimidation and one with serious assault (CT 5.6.84).

Police with teargas and guns broke up a meeting in Graaff-Reinet on 16 June held to commemorate the Soweto uprising. In spite of early denials the police later admitted at least three people were shot and a further two injured by a teargas canister. They arrested 38 people, some very young. One child of ten and five 12 year olds were among those held (RDM 19.6.84; DD 7.7.84).

The struggle for student representation continued in Pretoria and Johannesburg. On 18 May Peter MAKHOB, president of the Minerva High School, was detained following a school boycott against teachers who carried weapons. He was held for almost two weeks under Section 50 of the Internal Security Act. Later twenty students, all members of the

MRC, were suspended (S 23/25/5.84, 7.6.84).

UNIVERSITY REPRESSION

New information about repression in the Transkei bantustan came to light as unrest continued at the University of the Transkei (UNITRA) following the detention of students and the deportation of five lecturers (FOCUS 53 p.7).

The university was closed between 16 and 21 May when returning students were asked to sign an undertaking not to boycott lectures or to attend meetings. A number of students were suspended as was the student representative council (SRC). An ad hoc group circulated pamphlets protesting at the detentions, suspensions and deportations, rejecting the 'undertaking' and calling for a commission of inquiry (DD 21.5.84).

Police detained 138 students at a meeting in an Umtata park on 22 May. They appeared in court on 1 June on charges of contravening the State of Emergency under the Transkei Public Security Act (TPSA) and were released. Before their next appearance the Transkei Supreme Court ruled that the state of emergency had been invalid since 16 May. The ruling, on 4 June, arose from a court action for the release of two students, Sakhela BUHLUNGU and Sisa TABATA who were detained at Easter. The regulations were ruled invalid because they had

not been tabled in the Transkei parliament within 14 days of its opening as required by law — a period which ran out on 16 May. The two students were released. Subsequently the charges against the students were withdrawn. The attorney general of the bantustan declined to give reasons for his decision (DD 24.5.84, 2/5/7.6.84).

On 5 June the bantustan authorities introduced an urgent motion in the House of Assembly to comply with the provisions of the TPSA. They asked the Assembly to approve the following repressive actions which had taken place since June 1983: the arrest and detention of 263 people and the banishment of 13 others (DD 6.6.84).

On 28 May the university was closed until 10 July and a commission of inquiry was announced (DD 29.5.84).

Elijah Mapaeke MOKOENA (MOKDENA) a student at Fort Hare was released from custody in the Ciskei bantustan on 24 May when charges against him were withdrawn. He had been held on intimidation charges since a May-day boycott at the university (FOCUS 53 pp. 3,7; DD 25.5.84).

RELEASE

Frank Rashaka RATSHITANGA was reported to have been released from detention in the Venda bantustan by 13 July (FOCUS 53 p.3; Amnesty International 13.7.84).

DETAINEES Additional to previous FOCUS lists

Approx. date	Place	Name (age)	Details (where known)
18.4.84	Durban	Tim BROWN (27)	Hotel under-manager. Brother killed in shootout with police, May 84
22.4.84	Transkei	Sakhela BUHLUNGU	Student. Rel. 4.6.84
22.4.84	Transkei	Sisa TABATA	Student. Rel. 4.6.84
18.5.84	Johannesburg	Peter MAKHOB	School boycott. Sec. 50, ISA, Rel. 29.5.84
24.5.84	Soweto	Dubane Joyce TSOTETSI	Sec. 29, ISA
24.5.84	Soweto	Sipho NGWENYA	Sec. 29, ISA
24.5.84	Soweto	Erasmus NXUMALO	Sec. 29, ISA
24.5.84	Soweto	Miriam MOKOTI	Sec. 29, ISA
24.5.84	Soweto	Mundu Sylvia MABENA	Sec. 29, ISA
29.5.84		Joseph LEEPILE	Sec. 29, ISA
30.5.84		Lehlobo RANTATSI	Sec. 29, ISA
2.6.84		Unnamed persons	
5.6.84		Lesley NDLOVU	Sec. 29, ISA
10.6.84	Daveyton	Violet NDUNA (55)	Released 12.2.84
10.6.84	Daveyton	Xolani NDUNA (23)	Org. Chemical Workers Industrial Union. Sec. 29, ISA
10.6.84	Daveyton	Zanemvula MAPHELA	Org. Paper, Wood and Allied Workers Union. Sec. 29, ISA
10.6.84	Daveyton	Vuyo NDUNA	Rel. 12.6.84
10.6.84	Daveyton	Nothando NDUNA	Rel. 12.6.84
11.6.84	Daveyton	Duke Madoda GIDANA (20)	Sec. 29, ISA
11.6.84	Daveyton	Dennis Wandu GONXEKA (24)	Sec. 29, ISA
11.6.84	Daveyton	Michael Velile MTHWAZI (32)	Sec. 29, ISA
11.6.84	Durban	Unnamed alleged guerillas	Following shootout with police, 8 June
10.6.84	Daveyton	'Tshediso'	
Mid June		Moses Duma NKOSI	Shop steward
15.6.84	Johannesburg	Jimmy MATABANE (26)	Following car bomb. Sec. 29, ISA
16.6.84	Durban	David GASA	Community activist and former ANC member. Banned 1981-3
16.6.84	Durban	Alfred P. MKIZE (31)	Hospitalized following electric shock torture
7-21 June	Pietermaritzburg	Penelope THABETHE	Sec. 29, ISA
		Eunice NGCOBO	Sec. 29, ISA
		Patricia NGCOBO	Sec. 29, ISA
		Cordelia KHAWULA	Sec. 29, ISA
		Dennis HADEBE	Sec. 29, ISA
		Ndumenzwene MKHIZI	Sec. 29, ISA
22.6.84		18 alleged guerillas	Det. between 16 March and 22 June
26.6.84	Johannesburg	Rita NDZANGA	Treasurer, GAWU. Sec. 29, ISA
26.6.84	Johannesburg	Amos MASONDO	Org. Sec. GAWU. Sec. 29, ISA
30.6.84	Bloemfontein	Unnamed alleged ANC guerillas	Bomb attacks in Orange Free State during 1983
June	Soweto	Justice M.H. NGIDI (30)	Escaped 28.6.84
June	Pietermaritzburg	Lucky PAYI (20)	Sec. 29, ISA
June	Pietermaritzburg	Machina XULU (24)	Sec. 29, ISA

POLITICAL TRIALS

Political trials have continued to illustrate patterns established in recent years, including frequent charges of high treason and the youthfulness of many of those appearing on serious charges. At the same time the reliance of the state in political trials on statements made by detainees under duress, has been underlined by the lengthy submission of evidence in one trial of threats, assault and torture (*see HINA AND OTHERS*).

The attempt by the regime to prevent the courts themselves becoming arenas of resistance has led to the prosecution of people for demonstrating their support for the accused in two recent trials (*see COURT DEMONSTRATIONS*).

A total of 20 people had appeared or were

about to appear in the first 7 months of 1984, on charges of high treason in five separate trials (one of which began during 1983). Four more people, whose names were not disclosed, were also to face charges of treason, according to a statement in June by the Minister of Justice (*CT 11.6.84*).

The large number of treason charges this year confirms a trend established in 1979. Until then there had been only one treason trial since the end of World War II in 1945. That was the famous treason trial of 1951-56 in which 156 people were charged with, and finally all acquitted of, high treason.

In 1979 a new pattern began when 12 ANC members were convicted of high treason in a trial in Pietermaritzburg. In each of the next two years there was a treason trial, involving nine and three people respectively. In 1982 there were eight different trials in which 15 people were charged with treason (although the charges against two were dropped before they were asked to plead). Last year, 1983,

eleven people were convicted of treason in five trials.

The increased use of the charge of treason appears to reflect a change in policy by the State. Invariably the charges of treason have been brought with alternative charges of 'terrorism', sabotage, murder, furthering the aims of a banned organisation, undergoing military training and the like. In the past, activities of the kind that are now leading to treason charges, would have been dealt with using only what are now alternative charges.

The reasons for this change are not clear, and the length of sentence given on conviction does not always seem to correspond directly to the apparent seriousness of the charge of high treason.

The number of treason trials in part reflects an intensification of the struggle for freedom in South Africa. Most of the accused in those trials so far completed, have allegedly been ANC members, and the majority were alleged to have been involved in armed struggle.

CONTINUING TRIALS

HINA AND OTHERS

The trial of eleven men charged with high treason in the Grahamstown Supreme Court continued until 28 June when it was postponed for six weeks until 13 August.

Rufus NZO (24), Douglas TYUTYU (48), Siphon HINA (44), James NGQONDELA (54), Mzayifani KHAMBE (57), Mzimkulu KHAMBE (22), Siphon NODLAWU (35), Vukile TSHIWULA (43), Lindile MBELEKANA (27), Wellington GUMENGE (29) and Nceba FAKU (27) were charged in connection with bomb explosions in the Port Elizabeth area between 1981 and 1983. They are alleged to have liaised with the ANC in Lesotho, brought arms and explosives into the country and harboured guerrillas (*for full details of charges see FOCUS 51 p.6-7*).

The defendants have been held since May 1983. They were charged in July of that year, but the trial has been subject to a number of delays. The postponement to 13 August was made in order for lawyers on both sides to prepare arguments in a 'trial within a trial' initiated by the court in May, in order to test the admissibility of statements made by defendants which the state wished to use in presenting its case. At least nine of the accused have given evidence of threats, assaults or torture by the police on their arrest and during their detention. Some of the evidence was reported in the last issue of *FOCUS*. Since then several detainees have given further evidence of how they were treated.

- James Ngqondela had extensive bruising on his chest and abdomen when seen by the principal district surgeon for Port Elizabeth, Dr. Tucker. Dr. Tucker confirmed in court that the bruises could not have been sustained accidentally on the day which Ngqondela told him they were, and that they could have been caused by punching. He conceded that he should have inquired further into the injuries.

- Vukile Tshiwula had complained of lack of sleep to Dr. Tucker when he visited him during his detention. Dr. Tucker, who took no further action at the time, said in court that he now realised that he should have done so.

Tshiwula also testified that a security policeman had threatened he would join his dead wife if he did not cooperate during his detention. Tshiwula said that when he told the magistrate at Alexandra that he had been assaulted, the magistrate said he was not interested in 'old complaints'.

The District Surgeon for Humansdorp, Dr. Delpont, said that he had seen Rufus Nzo at Jeffreys Bay where he was being detained in May 1983. Nzo had sustained head injuries and was suffering from severe shock. Later in the day he visited Nzo's cell and found the floor covered in blood. He said that Nzo had inflicted injuries on himself and had spoken earlier of suicide.

- Mzayifani Kame testified that he had been forced to make a statement before a magistrate by security policemen, who had threatened to lay more charges against him if he did not comply. The policemen had written the statement without Kame's assistance.

- Nceba Faku told the court that a security policeman asked him not to mention that he had been assaulted as this would jeopardize his career. He said he was slapped by a policeman and struck on his forehead so that he bumped his head on a wall. Another policeman in camouflage uniform struck him on his head with the flat side of a spade.

- Mzimkulu Kame testified that he had been forced to make a statement to a policeman. He had been told his family would be 'taken' if he made no statement, and as his father (one of the accused) had already been arrested, this would involve his mother and sister. He said he was also told what to say before the magistrate, in particular that he should say that a 'terrorist' named Joe had gone to his house and told him to dig a hole in the backyard.

- A witness for the defence, Donga MABUSELA, testified that he had been 'picked up' and assaulted on two occasions in the first half of 1983 by four policemen wearing plain clothes. He said he had seen one of the accused, Mzimkulu Kame, at Algoa Park police station at the time. On the second occasion he fainted while being assaulted: he was lying outside near a tap and was wet when he regained consciousness (*DD 15/17/25/26/29.5.84, 13/14/27.6.84; RDM 29.6.84; see also FOCUS 53 p.4*).

HUNTER AND OTHERS

Shortly before the trial began on 1 August, of three people who were described by the Minister of Law and Order as spies, it was reported in the press that one of them had obtained direct evidence of the South African government's role in financing and training nationals of Mozambique and Zimbabwe as part of its campaign of destabilization of neighbouring states.

As reported in the last issue of *FOCUS*, Roland Mark HUNTER (25), Derek Andre HANEKOM (31) and Patricia Elizabeth HANEKOM (25) appeared in a magistrate's court in April and were referred to the Pretoria Supreme Court for summary trial which began on 1 August. The three were charged with treason and the case was postponed to 3 September. Earlier the Minister of Law and Order said that the arrests had resulted from investigations into the activities of Carl Niehaus, convicted in November 1983 of treason and sentenced to 15 years imprisonment (*FOCUS 50 p.3*).

According to the *Guardian* of 9 July 1984, Roland Hunter worked, during his time as a national serviceman, for the department of military intelligence as a driver. One of his jobs was to escort the department's paymaster around camps and farms in the Northern Transvaal where Mozambican and Zimbabwean nationals were being trained for cross-border operations.

The report in the *Guardian* also said that although the weight of the evidence of South Africa's training and use of surrogate forces in the region is 'overwhelming', the government was known to be worried about the implications of its involvement emerging in an open South African court and might insist on the case being held *in camera* (*GN 9.7.84*).

MHLANZI AND OTHERS

Four Soweto men appeared in the Johannesburg Magistrates' Court on 8 June on a charge of high treason as a result of alleged ANC activities, with alternative charges under the Internal Security Act. No indictment was served on the accused who were referred to the Rand Supreme Court for a preliminary hearing on 2 August. The state prosecutor said that the trial would probably begin in mid-September.

The magistrate told the accused that the Attorney-General opposed granting them bail and that they would be held at Diepkloof Prison until they appeared in the Supreme Court.

The four accused are: Norman MHLANZI (25), who has been in detention since 6 December 1983; Enoch Vusi NTHOMBENI (22), who has been in detention since 15 December 1983; Samuel Mtantla MYENI (28), detained since 7 December 1983; and Jabulani Makhubu (27), detained since 8 December 1983.

Their detentions were linked by the police to

the discovery of arms in the Johannesburg area. Following the detention in Soweto on 6 December of one person alleged to have been in possession of arms, the police went to a house in Eldorado Park. After the firing of shots a man and a woman were detained and more arms were allegedly found (see *FOCUS 51 p.2; Star 9.6.84; RDM 9.6.84; see also lists of detainees in FOCUS 51 and 53, in which there are slight variations in the spellings of the names of some of the accused*).

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been pointed out to police by a company security officer and that police action had prevented a return to work by the strikers. There was an earlier strike over wages at the same plant in late March. On 25 June the intimidation charges were quashed after the State was unable to produce further particulars of the charge (*RDM 30.3.84, 26.4.84, 28.6.84*).

- Robert MKHIZE, a shop steward with the Commercial, Catering and Allied Workers Union was acquitted of charges under the Intimidation Act on 30 May. The evidence of those he had allegedly intimidated was so contradictory that the magistrate found in favour of the defence case (*FOCUS 52 p.9, RDM 29/30/31.5.84*).

- Charges were withdrawn in the Johannesburg Regional Court on 14 June against a union organiser arrested after mediating with striking workers. Jeremy BASKIN of the Paper, Wood and Allied Workers Union was charged under the Internal Security Act with convening, organising, presiding over, addressing or attending an outdoor gathering for which a magistrate had not given permission. A case against 'Shakes' SHIKAKANE and 26 others on similar charges was continuing (see *FOCUS 52 p.9 where Baskin's charge was reported incorrectly; RDM 15.6.84, 23.6.84*).

- Strikes in a number of mines were reported at the end of June following the announcement of wage increases for coal and gold miners. The offer of between 13 and 14 per cent by the Chamber of Mines fell short of the twenty-five per cent demanded by the National Union of Mineworkers (NUM) and the 40 per cent which an inquiry in 1982 said was necessary to bring the lowest-paid workers up to subsistence level (*ST (Lon) 24.6.84*).

The Chamber of Mines decided unilaterally to impose the increases on 1 July saying that the NUM, which had declared a dispute, only represented a maximum of 70,000 out of the 460,000 black miners.

On 25 June miners at the Coronation Colliery, Vryheid, stopped work. Most of the 3,000 workforce were involved and the police attacked them with teargas. Reports of the events varied but at least one and possibly two miners were shot dead and another four injured by 'unknown persons' from a nearby white residential area. The following day police in camouflage uniform patrolled the mine and its owners, Anglo-American, reported that the afternoon shift had returned to work as normal (*RDM, DD, 27.6.84*).

Many miners were arrested on charges of public violence. Eight appeared in court on 28 June and a further 88 on 2 July. All were remanded in custody until 16 August.

No arrests were made, however, in connection with the shootings. A South African Police colonel said that the whites had 'all the necessary reason' to shoot at the miners (*RDM 30.6.84; 3.7.84*).

- A strike by 400 workers at Union Carriage in Nigel led to the arrest of at least 17 members of the Metal and Allied Workers Union for alleged intimidation. Samuel SEEPE and Joseph VUMENDLINI were charged on 21 June under the Internal Security Act and released on R200 bail. The protest followed the dismissal of a colleague (*RDM 23.6.84*).

ACQUITTAL

XOLILE QABAKA

Xolile QABAKA, an attorney from Mdantsane, was found not guilty on 25 May in the Mdantsane Regional Court where he appeared on charges of subversion and incitement to public violence. He had pleaded not guilty.

The state alleged that at the funeral of Tobile JAFTA in March 1984, Qabaka had delivered an inflammatory speech which was calculated to incite people to revolt against the Ciskei bantustan authorities. He was detained shortly after the funeral, on 12 March, and admitted to hospital from detention on 11 April. His trial began in his absence on 17 April (*DD 26.5.84; FOCUS 53 p.5, 52 p.6*).

OTHER TRIALS

COURT DEMONSTRATIONS

In two cases, both postponed until August, people appeared under the Demonstrations In or Near Court Buildings Prohibition Act.

The Act was passed in 1982 along with other changes in 'security legislation', following the report of the Rabie Commission. It prohibits 'all demonstrations and gatherings in any building in which a courtroom is situated or at any place in the open within a radius of 500 metres from such buildings' except at weekends or public holidays or if a magistrate grants permission. The maximum penalties under the act are a year's imprisonment or a fine of R1,000.

In the first case under the Act, brought in February 1983, one person was fined R500 and a youth sentenced to cuts, for demonstrating outside the Pietermaritzburg Supreme Court in September 1982 after the sentencing of three ANC members convicted of high treason. On that occasion police cleared the public gallery of the court with teargas when spectators demonstrated their support for the accused and cleared the demonstration with dogs when it continued outside the court (see *FOCUS 43 p.2, 47 p.4*).

- In one of the current trials two people were charged in the Pietermaritzburg Magistrates' Court with demonstrating outside the Pietermaritzburg Supreme Court on the second last day of the trial of three alleged ANC members charged with treason (see *GQUBULE, MAHLOBO AND MARTINS, FOCUS 53 p.4*).

They were arrested on 21 May when they were in a large crowd of singing and chanting spectators outside the court. The two accused are Joan ATKINSON (40) and Thabo MAMANE (24). Atkinson is a Canadian. She was ordered to surrender her British and Canadian passports and to report twice a week to a police station until the trial resumes on 14 August (*DN 23/24.5.84*).

- In the second case eight people, including Helen JOSEPH, were charged in the Johannesburg Regional Court on 8 June with demonstrating in a court building. The charge arose out of an incident in the Johannesburg Magistrates' Court in November 1983 when Carl Niehaus and Johanna Lourens appeared on a charge of high treason. When Niehaus and Lourens appeared in court the proceedings were disrupted by the spectators singing freedom songs (see *FOCUS 49 p.7*).

Amongst the accused is Lucienne HUNTER, the mother of Catherine Hunter who was in detention at the time and whom Carl Niehaus was alleged to have recruited to assist with activities on behalf of the ANC (see *FOCUS p.3*). She is also the mother of Roland Hunter (see *HUNTER AND OTHERS in this issue*).

The other six accused are: Buella ROLNICK, Mike ROUSSOS, Benita PAVHCEVIC, Kerry SHEPHERD, Heather

BARCLAY and Modiko MATATE. The case was adjourned to 20 August (*RDM 18.5.84; RDM 9.6.84; FOCUS 49 p.7, 50 p.3*).

ANTI-GOVERNMENT PROTESTS

In recent months on several occasions people have been arrested and charged as a result of involvement in protesting or organising against the government's constitutional plans and the forthcoming elections to the segregated Indian and Coloured chambers of parliament, or other government policies.

- In October 1983, on the eve of the white referendum on the government's constitutional proposals, a group of supporters of the United Democratic Front (UDF) held a 'motorcade' publicising a 'peoples weekend' organised to express rejection of the proposals. They were charged in two separate trials with attending an illegal gathering. In May, 26 of them were convicted in one of the trials. Fourteen others were each fined R60 on 17 July for contravening the Internal Security Act by attending an illegal gathering (*FOCUS 50 p.3, 53 p.6; CT 21.6.84; CT 3/17.7.84*).

- In Durban a total of 44 UDF supporters were arrested in two police swoops. On 22 June, 14 people were arrested for allegedly breaking a municipal by-law by sticking posters on municipal property, and on 23 June, 30 people were arrested under the Internal Security Act. A spokesman for the UDF described the police action as intimidatory, and said that it would not stop the organisation campaigning for people to keep away from the elections on 28 August (*Sunday Tribune 24.6.84*).

- Shahida ISSEL (28), the Mitchell's Plain regional secretary of the UDF, was arrested and charged with attending an illegal gathering in July after participating in a demonstration of Mitchell's Plain residents against higher rents and increases in the General Sales Tax. She was released on R100 bail and appeared in the Athlone Magistrate's Court on 3 July. When the hearing was adjourned for further investigation to 31 July (*RDM 3.7.84; CT 4.7.84; see TOWNSHIP PROTESTS*).

- Sixteen members of the Student Union for Christian Action arrested in Claremont, Cape Town, while holding placards about the demolition of shelters at the KTC squatter camp in August last year, were convicted in the Wynberg Regional Court on 13 June of attending an illegal gathering. The students were alleged to have performed street theatre, handled a petition against forced removals, and distributed pamphlets to the public. They were each fined R100 (or three months imprisonment) with a further three months conditionally suspended for four years (*CT 6/14.6.84, 14.6.84*).

CENSORSHIP

A student nurse from Soweto, Emily MELK (19) was convicted in the Johannesburg Regional Court in June of contravening the Internal Security Act by possessing the book, *Island in Chains* written by a former ANC prisoner on Robben Island, Indres Naidoo. Although the book is not banned under the Publications Act, in terms of which publications and objects are declared 'undesirable' and was not actually published by the ANC, it was considered to have been 'published by, or disseminated on behalf of, the ANC'. Melk was sentenced to 18 months' imprisonment with 12 months suspended for five years. She was given leave to appeal and released on R750 bail (*RDM 6/28.6.84; see FOCUS 53 p.6*).

Tennyson NYOVANE (18), of Soweto, appeared in the Johannesburg Regional Court on 4 July charged with possessing a banned ANC publication. Nyovane was not asked to plead and the hearing was postponed until 11 July for further investigation. He was released on R1,000 bail (*RDM 5.7.84*).

REVIEW: ARMED STRUGGLE

South African state officials have used the signing of the Nkomati Accord with Mozambique on 16 March as an opportunity to make statements regarding the future of armed struggle against apartheid. Referring to actions against ANC members in a number of surrounding countries, the finding of arms caches and the shooting and arrest of a number of guerillas, they have predicted a decline in the number of armed actions. Most of these statements have been directed at the ANC after the signing of the Accord. Continuing incidents of armed action and expressions of support for the liberation movement suggest that the Accord has not achieved what the government had hoped it would.

DETENTIONS AND TRIALS

The Minister of Law and Order, Louis le Grange, announced on 22 June that 18 identified members of the ANC as well as numerous 'active supporters' had been detained by the security police in the previous three months. Among those arrested he said were 'people highly trained in the use of explosives, sophisticated electronic timing devices, car bombs, limpet mines and a variety of firearms'.

The Minister also claimed that information obtained from some of the detained ANC members had led the police to various caches of arms and explosives where demolition mines, limpet mines and TNT were found.

Acts of sabotage to which the 'active supporters' were said to be related included the attacks on an electricity sub-station at Lamontville, near Durban, on 21 April 1981; the sabotage of transformers near the Camden power station in the Eastern Transvaal on 21 July 1981; and the damaging of a ventilation pipe near Dunnottar on 5 July 1982. It was not disclosed when those detained would appear in court (*Star* 22.6.84).

One trial arising out of these alleged arms finds began in Johannesburg on 8 June (see *MHLANZI AND OTHERS* in *POLITICAL TRIALS* in this issue).

SHOOTOUTS

On the same occasion when the Minister of Law and Order announced the arrest of 18 ANC members, he said that seven members of the ANC had died in shootouts with the police.

Two of those killed were alleged ANC insurgents who died in a shootout with the police in Verulam, near Durban, on 8 June. Police, supported by a helicopter, tracked the alleged guerillas after 'a heavy clash in the bush'. Police took possession of limpet mines, explosives and arms and ammunition (*CT/Star* 11.6.84).

Another four guerillas died in Durban on 14 May after a shootout following a rocket attack by the four on an oil refinery. The shootout took place after a car chase.

After attacking the refinery the four men made a getaway in a car. A pursuing police van was stopped by gunfire from the guerillas. At a roadblock they threw a hand grenade at the police and managed to escape. Another police vehicle gave chase and punctured the tyres of the getaway car with gunfire. The men then took shelter in a construction site office and a four-hour gun battle ensued. The four were eventually overcome by the police. Three workers in a nearby paint depot died when the depot caught fire as a result of the shooting (*CT/DD/RDM* 15.4.84).

A seventh alleged ANC insurgent was shot

dead outside a Pretoria township on 4 January. A police statement said he died after a shootout with the police. A teargas canister was thrown into the house in which he had taken refuge. It was claimed that the man was a nephew of one of the people responsible for the car-bomb explosion outside the SADF headquarters in Pretoria in May 1983 (*DD* 5.1.84).

The press reported the shooting of another 'ANC guerilla' in March but it appears that this person was not counted in the Minister's list. The person in question was shot near Grasmere in the Transvaal on 12 March after a police search for guerillas in a field. The search began the previous night after two policemen on patrol were shot at from a car. The car was later forced off the road by another police van but the three occupants escaped into the field. The others managed to escape after a grenade was thrown at the police.

There was considerable confusion in the press about the nature of this incident as during the search for the 'guerillas' the police were engaged in a shootout with a gang of house thieves. Those alleged to have been 'ANC guerillas' in this incident may have been members of the same gang (*RDM* 13.3.84).

FUNERAL RESTRICTIONS

The state imposed strict funeral arrangements for the four guerillas mentioned above who were killed in a shootout with police after their rocket attack on the Mobil Oil Refinery in Durban on 13 May.

The four dead men were identified as Vuyisile Mafrai MATROOS (25) of Port Elizabeth, Clifford BROWN (23) of East London, Mzwakhe MTHWEBANA (24) of Port Elizabeth and Vuyisile DE VOS (25) of Port Elizabeth.

The restrictions on the funerals stipulated that they could not take place on a weekend or public holiday, that the services had to take place inside a building, that the coffins and mourners had to be transported to the graveyards by vehicle, that the funerals were to take place between 8am and 2pm, that the funeral procession had to take the shortest routes between mortuary and church and between church and cemetery, and that there were to be no posters, placards, pamphlets or singing of freedom songs at the burials.

In the case of at least one of the men the state attempted to keep his death a secret. The father of Vuyisile de Vos was taken from his work by security police and questioned about the whereabouts of his son. He was then told that his son was dead, told not to tell anyone about the death and made to sign a declaration giving the police the right to bury his son's body. Mr de Vos later told his wife and the family put the matter in the hands of a lawyer. On 29 May the de Vos family was issued an order placing severe restrictions on the conduct of the funeral.

The family of Vuyisile Matroos, who also received an order on the conduct of the funeral, took the matter to the Port Elizabeth Supreme Court. They attempted to have the order set aside on the grounds that it interfered with traditional burial procedures.

In recent years funerals of political activists in South Africa have become political gatherings at which strong anti-apartheid sentiments have been expressed and support for the liberation movement shown. To counter this, clauses restricting political funerals were included in the new Internal Security Act when it was introduced in July 1982 (see *FOCUS* 40 p.7).

Attempts by the state to suppress political funerals have in fact proved difficult to impose and on numerous occasions mourners have ignored the imposed stipulations.

About 5,000 people attended the funeral of Matroos and de Vos in Port Elizabeth on 12 June. The coffins were draped with flags in the black, green and gold colours of the ANC. Many schoolchildren joined the procession as well as people from all over the country. A banner of the United Democratic Front was displayed before the coffins were lowered into the graves. Members from a number of civic, community, political and youth organisations and trade unions attended (*DD* 13.6.84).

Nearly 3,000 students at the University of the Western Cape held a memorial meeting for Clifford Brown on 29 May. The meeting was addressed by a number of speakers who had known Brown during his student days (*DD/RDM* 26.5.84; *S* 29.5.84; *SNS* 11.6.84).

Over 6,000 people wearing UDF T-shirts and ANC colours attended the funeral of Ben LANGA on 26 May. Langa, a Pietermaritzburg activist, was assassinated on 20 May. The service was addressed by the UDF President, Archie Gumede, who read a message from 'Uncle Oliver' in Lusaka, believed to be Oliver Tambo, the ANC President (*SNS* 11.6.84).

ARMED ACTIONS

Damage caused by armed actions against the state has been conservatively estimated at R600 million since 1976. This figure was given in a document circulated by the security police in June. The figures also indicate a marked increase in the number armed actions since the end of 1980. Out of a total of 217 incidents since 1976, 149 took place in the period from 1981 to the end of 1983 (*Cit* 25.6.84).

Nineteen eighty three saw more armed actions against the apartheid regime than in any previous year. Over the year 53 incidents were recorded in the press. Of these 25 were attacks against economic targets such as railway lines, electricity installations and fuel installations. Another 14 were actions against government buildings and facilities such as courts and apartheid administration offices. Three actions against military and police targets were recorded, including the car-bomb attack on the SADF headquarters in Pretoria in May 1983. The discovery by the police of five arms caches were reported in the press. The number of shootouts and skirmishes with guerillas was reported as five but others may have gone unreported in the press.

The ANC was the only organisation which claimed responsibility for any guerilla actions. Most were attributed to the ANC by the police if no organisation claimed responsibility.

In the first six months of 1984, 20 incidents relating to the armed struggle were reported in the press. Eight of these took place after the signing of the Nkomati Accord. Eleven were acts of sabotage against economic installations such as railway lines, electricity substations, fuel depots and refineries. Five were attacks against government buildings such as courts, bantustan offices in the urban areas and other apartheid offices. Four shootouts between police and guerillas were reported.

Of all incidents where an organisation claimed responsibility the ANC was the organisation which did so, the police pronounced the ANC responsible for all others.

Oliver Tambo, the President of the ANC, has refuted claims that the Nkomati Accord was a severe blow against the armed liberation of South Africa. He said in a radio interview on 4 July that the ANC considered the Accord as a temporary setback which would affect Umkhonto we Sizwe activities only insofar as transit facilities were concerned. He said the only ANC bases were inside South Africa and that attacks had never been launched from neighbouring countries (*BBC* 6.7.84).

PRISONS

Several political prisoners who have spent long periods in prison have been released in the past two months. Where the prison authorities have expected publicity early releases have been granted. Since May 1982 over 80 political prisoners have been given remission. No political prisoner with a life sentence has yet been given remission.

DAVE KITSON RELEASED

Ian David KITSON (64) was released from Pretoria Prison on 11 May, seven months before his 20 year sentence was due to expire in December.

Kitson was sentenced in the Rand Criminal Court on 18 December 1964, together with four other people, Wilton MKWAYI, Laloo CHIBA, John MATTHEWS and 'Mac' MAHARAJ. They were sentenced for more than 58 acts of sabotage. Kitson was charged with sabotage, 'furthering the aims of communism' and joining the high command of Umkhonto we Sizwe.

Mkwayi was sentenced to life imprisonment, Chiba to 18 years, Matthews to 15 years and Maharaj to 12 years.

As Kitson is a dual South African and British national, repeated representations for his release were made by the British government over the years. A number of campaigns for his release were conducted in Britain especially by the trade union of which he was a member when he worked in Britain in of which he spent as a research fellow at Ruskin College. He returned to South Africa in 1959.

At a press conference which he gave in London on 21 June he described conditions in the Pretoria Prison where he spent most of his sentence. He disclosed that he began his sentence in the lowest classification category — a category normally reserved for prison rule offenders. At that time he was allowed one visit from one person for half an hour every six months, and send one letter not exceeding 500 words, at the same interval.

It took another four years for the prisoners to be allowed to purchase a film projector; six years to obtain a refrigerator; 16 years to gain the right to receive a daily newspaper. He explained that at the end of his sentence prison conditions for the few white political prisoners were relatively comfortable but that the concessions granted over the years had been the result of long and hard fought battles for improved conditions.

At the end of his sentence he could receive 36 visits a year by two people at a time and for 45 minutes. He was allowed to write and receive 40 letters of 500 words each per year.

Kitson corrected a misconception expressed in the media that he was the longest serving white political prisoner. Denis GOLDBERG was sentenced to life imprisonment in the Rivonia Trial in June 1964 and remains in the Pretoria Prison (RDM 12.5.84; GN 22.6.84).

OTHER RELEASES

• Johnson MLAMBO (42) was released from Robben Island in May after serving a 20 year prison sentence.

He was charged with seven others in the Rand Criminal Court in 1964 with possessing weapons and plotting to kill whites and destroy property, and with visiting Lesotho to receive instructions from the Pan Africanist Congress headquarters to launch a violent campaign to overthrow the state. He was a branch chairman of the PAC in Benoni before his arrest.

At an interview given at Harare airport in May he spoke of conditions on Robben Island. He recalled that he had once been buried up to his neck by warders who then urinated on his face. He said that on other occasions warders had choked him until he became unconscious and also starved him. He also said he was assaulted with a pick handle and that warders had ordered other prisoners on the Island to attack political prisoners (S 16.5.84).

• Jerome Vusi KOLISANG (KODISANG) (33) was released from prison in June after serving five years. He was one of 16 sentenced in the Bethal Trial of PAC members in June 1979.

Kolisang was convicted of receiving military training in Libya. He was arrested at Witkleigat, near Zeerust, in 1977. He was kept under section six of the Terrorism Act for six months before being charged (CT 26.6.84; see FOCUS 23 p.9).

BARBERTON PRISON DEATHS

In FOCUS 45 (p.7) and 49 (p.11) details were given of the incident in which three prisoners died and 32 were injured after being beaten by warders at the Barberton Prison farm in December 1982. The consequences of the incident have been far reaching. Eight warders responsible for the deaths and beatings were sentenced to prison terms ranging from one year to eight years; the former acting head of the prison at the time was charged and sentenced for complicity in the assaults; and an investigation into conditions at the prison has exposed brutal treatment meted out to the prisoners.

The former acting head, Lieutenant Niemand, appeared in the Witbank Regional Court from February to April. A number of the prisoners who were beaten in the December 1982 incident as well as a number of warders gave evidence that Niemand had ordered the work party to the dam site where the prisoners died. Niemand claimed that his own superiors, including the officer commanding the prison, had given the go-ahead to proceed with the expedition. He claimed that the prisoners, who had only arrived from Durban the day before, had behaved badly and that he decided to send them to the dam 'to help them get rid of their frustration'.

A warder who was acquitted in the earlier trial disclosed that Niemand visited the scene of the deaths twice and a prisoner claimed that Niemand had ordered a warder to beat him and two other prisoners to death. Other warders claimed that Niemand had warned them 'not to breathe a word to the police' about the incident.

On 3 April Niemand was found guilty of

common assault and fined R900 (or 360 days imprisonment) and given a further two years imprisonment, suspended for four years. He was also demoted to a storeman by the Prisons Service.

In the 10 months after the incident 12 more prisoners died violently at the prison. The report of the investigating committee disclosed that violence was 'normal' at the prison. The report, which was released on 16 May by the Minister of Justice, disclosed a number of incidents of abuse of prisoners by warders and gave details of severe conflict between warders and inmates.

Among the disclosures it was revealed that it had been a 'tradition' for many years to 'initiate' new prisoners by forcing them to run naked through a gauntlet of baton-wielding warders. Assaults by warders on prisoners also took place regularly at other times.

Gangs and gang conflict were rife in the prison and little was done to stop it. An incident was reported in which warders locked two hostile gangs in an enclosed area so that they could 'kill each other'. The gang members clubbed each others with hammers and the fight had to be broken up with teargas.

Five prisoners died in 1983 in what were described as 'escape attempts', three died after a 'brawl' and four more during a 'battle with warders' (RDM 14.2.84; DN/RDM 15/16.2.84; RDM 17/18.2.84; DN 4.4.84; RDM 19.4.84; RDM 17.5.84).

continued from p.5

COST OF LIVING

Increases in the General Sales Tax on a variety of goods between February and July sparked protests from a large number of trade unions demanding the lifting of the tax on all foodstuffs and basic necessities. The Minister of Finance was forced to respond by lifting tax on some food items in July (Star 22.3.84; RDM 12.5.84; CT 16.5.84).

The effects of the high cost of living in the townships were recorded in various reports prepared for the conference of the Carnegie Inquiry into Poverty earlier in the year. A study of official African townships around Durban revealed that Africans in these areas were more likely to be living below the 'minimum living level' than those in Durban's 'squatter' areas. Incomes of more than 40 per cent of the households in the best off township, KwaMashu, were below the 'minimum living level'; over two-thirds of the households in Lamontville lived below this level. The conference reported that 1.3 million people in the townships were living below the poverty line (S Trib. 22.4.84).

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ANGOLA REJECTS 'NON-AGGRESSION' PROPOSAL

South African aggression against Angola has continued since the signing of the Lusaka agreement on South African troop withdrawal on 16 February 1984, with the apparent aim of forcing the Angolan government to sign a non-aggression pact.

Continuing the well-established pattern, Pretoria has sought to exploit Angola's hard-pressed position in order to avoid direct ceasefire negotiations with SWAPO and the implementation of UN Resolution 435 for a Namibian settlement. The South African government appears to have viewed the Lusaka agreement as a step towards neutralising SWAPO's armed struggle and undermining Angolan support for Namibian freedom, without the need for any commitment on its own part to make progress towards Namibian independence.

Military and economic pressures have also been brought to bear on Angola to force it into negotiations with UNITA, South Africa's surrogate force in Angola. UNITA has continued to receive extensive logistical and propaganda support from South Africa, in clear defiance of the spirit of the Lusaka agreement.

NO WITHDRAWAL

More than three months after the expiry of the mutually agreed disengagement period of 1-31 March, South African troops continued to occupy parts of Southern Angola.

The Lusaka agreement provided for a stage-by-stage withdrawal process, supervised by a joint South African-Angolan monitoring force. In mid-June, the Angolan president Jose Eduardo do Santos said that 'one or two South African battalions' were still 40 km inside Angola, after moving back from their original positions 200 km inside the country. The president said that Pretoria had also failed to stop supporting UNITA forces. 'It is continuing to arm and train them and to send them into Moxico along the Zambian border, to see if they can reach Lunda, the diamond province' (ANGOP 16.6.84; DD/MS 18.6.84).

Over the weeks following the signing of the Lusaka agreement, a series of excuses was produced by Pretoria to justify the delay in withdrawing its forces. Chief among these was the claim that the Angolan authorities were failing

to control SWAPO activities and that PLAN (People's Liberation Army of Namibia) combatants were regrouping and becoming increasingly active in the Cunene area. One of the sources cited by the South African Broadcasting Corporation for this information, however, was Jonas Savimbi, the UNITA leader, himself (BBC 28.6.84).

Savimbi was reported to have visited South Africa at the end of May for talks with the South African Foreign Minister and the US Assistant Secretary of State Chester Crocker (WA 25.6.84; BBC 28.6.84).

UN PLAN EVADED

Rather than opening ceasefire negotiations with SWAPO as a prelude to the implementation of Resolution 435, South Africa has attempted to subvert the Namibia independence negotiations to suit its own conception of a regional settlement outside the framework of the United Nations.

In particular, Pretoria has sought to replace UNTAG, the UN force charged with supervising elections under Resolution 435, by transforming the joint monitoring commission (JMC) into a permanent peace-keeping force and thus absorbing the tasks of UNTAG's military component. In March, SWAPO warned that this could 'turn the disengagement process into an instrument for disarming SWAPO' (SWAPO Information Bulletin, March 1984; IDAF Briefing Paper No. 12, July 1984).

The mandate of the JMC following its installation on the Angola-Namibia border on completion of South Africa's troop withdrawal was discussed at a meeting in Lusaka on 2 July between the South African foreign minister R.F. Botha and Lt. Col. Alexandre Rodrigues Kito, member of the MPLA Political Bureau and Angolan interior minister. It had previously been agreed by the parties to the Lusaka agreement that the JMC should be disbanded 30 days after South Africa's disengagement had been completed (BBC/FM 6.7.84).

It was reported after the 2 July meeting that Angola had agreed to the JMC's role being extended for an agreed period, on condition that South Africa guaranteed beforehand that Angola's borders would not again be violated 'by any forces whatsoever'; and that UN Resolution 435 would be implemented at the end of such an extension (ANGOP 4.7.84).

It was also reported that Angola and South Africa had 'insisted on the need for the closer involvement of SWAPO in the peace process' (FM 6.7.84). SWAPO has repeatedly stated its readiness to enter bilateral negotiations for a ceasefire agreement with South Africa and has

been supported in this by the Angolan government.

NON-AGGRESSION PACT

The Angolan foreign minister reiterated in June that his government would never sign a military and economic cooperation agreement with South Africa of the kind concluded with Mozambique. The Angolans have pointed out that such a pact is inappropriate and unnecessary insofar as Angola and South Africa share no common border (MS 22.6.84; GN 4.7.84).

SWAPO itself has stated that it regards the Nkomati Accord with Mozambique as being 'fraudulent'. Addressing an international conference in Geneva in July, SWAPO's information and publicity secretary Hidipo Hamutenya traced the origin of Pretoria's current insistence on non-aggression pacts back to an 'untitled non-paper' (Sic) presented to SWAPO and the front line states by the Western Contact Group in October 1981.

The 'non-paper' contained proposals for 'the Nkomati-type of unequal and unjust treaties' and 'invited all the front line states and SWAPO to enter into a non-aggression pact with South Africa', Hamutenya said. After its issue, 'the Western powers, especially the Reagan Administration, began to advocate the idea of a so-called overall regional security arrangement in Southern Africa' (Address by Hidipo Hamutenya to International Conference for the Independence of Namibia and the Eradication of Apartheid, Geneva, 2-5 July 1984).

PARCEL BOMB KILLINGS

The presence of African National Congress members in Angola was highlighted shortly before the Botha-Kito meeting through the murder of Jeannette SCHOON and her six-year-old daughter Katryn.

The two were killed instantly by a parcel bomb which exploded at their home in Lubango, southern Angola, on 28 June. Both Jeannette and her husband Marius Schoon had taken up teaching posts at the University of Lubango earlier in 1984, on transferral from Botswana where they had been working as English teachers for the International Voluntary Service. They had been warned by the British government while in Botswana that, as well-known exiled supporters of the ANC, their lives were in danger. Parcel bombs have previously been sent to ANC activists in Botswana, Lesotho and Mozambique. The deaths of Jeannette and Katryn Schoon again bore all the hallmarks of South African security police involvement (S Exp 1.7.84; RDM 30.6.84).



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