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International Defence and
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Africa

FOCUS

on political repression in South Africa



Resistance continues as talks start

ANC builds support

Talks between the ANC and the South African government, aimed at removing the obstacles to negotiations, resulted on 4 May in a joint agreement to 'a peaceful process of negotiations'. At the same time, open political activity continued to be repressed by armed force, and restrictive legislation remained in place.

Several exiled ANC leaders returned to South Africa during April and May in terms of a temporary amnesty extended to those involved in the talks. Secretary-General Alfred Nzo and other leaders addressed mass rallies before and after the talks with the government, held in Cape Town on 2-4 May.

The talks resulted in an agreement known as the Groote Schuur Minute, in which the government and the ANC agreed on 'a common commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter'. The government undertook to 'review security legislation' and 'to work towards the lifting of the State of Emergency', and a joint working group was established to make recommendations on the release of political prisoners and on immunity from prosecution for 'political offences' for exiles and people inside South Africa. (*Ind 5.5.90*)

The ANC made it clear that although the agreement was the first formal step towards negotiations with the government, the conditions for negotiations had not yet been met and the ANC would not immediately abandon any of its political strategies. The movement called for international sanctions against South Africa to be retained. (*S 8.5.90*)

The talks were confined to the issue of obstacles to negotiations and did not deal with constitutional matters or with the form which negotiations would take. After the talks the Minister of Constitutional Development, Gerrit Viljoen, set out a 12-point government proposal for a new constitution. He declared that while the government accepted the principle of majority rule, 'minorities' would have to be protected,

'own' schools should be run with state funding and the 'free market system' should continue. (*S Star 13.5.90*)

ANC mass membership

Since its unbanning in February, the ANC has held a series of mass meetings around the country, addressed by both internal and external leaders. Recruiting drives began in early May, with the aim of organising a mass membership into branches throughout the country. The ANC also began consultations with church bodies to prepare for the return of up to 50,000 exiles. (*South 2.5.90*)

While some leaders of the United Democratic Front (UDF) took up ANC posts, the UDF, which unites hundreds of anti-apartheid groups, resolved to continue to co-ordinate its affiliates, under the leadership of the ANC. The South African Youth Congress (SAYCO), which unites local youth organisations in a federal structure, resolved to amalgamate with the ANC's youth section in order to re-establish an ANC Youth League by April next year. The Congress of South African Trade Unions (COSATU), into which the South African Congress of Trade Unions (SACTU) had decided to merge itself, formally allied itself with the ANC and the South African Communist Party (SACP). (*Focus 88 p.12; S 10.4.90; MS 17.4.90; WM 26.4.90*)

Popular resistance

Resistance by local communities to apartheid structures spread during the first quarter of the year. Police, and in an increasing number of cases, soldiers, resorted to violence and detentions to suppress democratic activity and popular protests. Labour strikes during the first quarter increased three-fold over the

same period last year, and there were rent, consumer and educational boycotts and protest stayaways in many parts of the country. (*Star 7.4.90*)

In a few areas, negotiations between police and other authorities and community representatives resolved conflicts, but in many more areas violent police action led to further protests. Resistance was particularly intense in the Orange Free State and the Western Transvaal during April. (*See DETENTIONS*)

Popular protests and boycott actions took place in several areas (*see DETENTIONS*). They were directed against white right-wing vigilante activity in Welkom where armed groups controlled by the Afrikaner Weerstandsbeweging (AWB) attacked residents and tried to enforce a curfew. (*S Star 13.5.90*)

In Natal, a concerted attack on UDF-ANC supporters by Inkatha supporters which began during March further inflamed conflict in the region and military and police reinforcements were sent in (*see BANTUSTANS*). Sustained resistance in other bantustans continued to put pressure on bantustan leaders to align themselves with the ANC, resulting in violent police and military repression in some areas. However, in early May all the leaders of the non-'independent' bantustans except Kwazulu met with the ANC and declared their support for the movement's stance on negotiations. (*NN 26.4.90; BBC 27.4.90; S 8.5.90*)

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POLICE

Police attack mass protests

Despite government statements that police would not be used for political purposes after the unbanning of the ANC and other organisations in early February, the police continued to use violence to suppress meetings, demonstrations and other protests. A resurgence of popular resistance and democratic organisation were met by police actions in which many people were killed.

In mid-January President FW De Klerk convened a meeting of the South African Police force's 500 top-ranking officers, reportedly to prepare them for the unbanning of organisations and other government moves. He declared that both the law and operational instructions would be changed. The police would no longer be responsible for enforcing apartheid laws and would not be called upon 'to fight in the front trenches in political battles'. They would henceforward be primarily responsible for fighting 'ordinary crime', he said. The South African Police (SAP) have been progressively militarised and deployed mainly in the suppression of political resistance. (GN/Star 29.1.90)

Some local steps were taken by the police to implement this strategy — armoured Casspir vehicles were withdrawn from Soweto for instance. A more significant development, reflecting the meetings on a national level between the ANC and the government, took place in April in Uitenhage where community leaders and those of the Mass Democratic Movement met with the Minister of Law and Order. They agreed to establish a community-based liaison structure to deal with complaints against the police. Other localised meetings took place between community leaders and the police, such as in Welkom where right-wing vigilantes were active, but those meetings did not lead to the establishment of liaison structures to curb vigilante activity. (DD 30.4.90)

In most places police continued attacking peaceful demonstrations (see Focus 88 pp. 4, 9). Police assaulted striking workers, broke up meetings and demonstrations celebrating the release of Nelson Mandela and attempted to violently suppress boycotts and protests in black urban areas. Police and troops were also involved in the suppression of anti-bantustan protests. By the end of March violent political conflict, for which the police were often responsible, had reached a level comparable to that of the nationwide uprising of 1984-6. (Focus 88 pp.4,9, 11; S 28.3.90; WM 16/30.3.90)

Most police actions were carried out in terms of the Internal Security Act, which grants extensive powers to the police to break up open-air gatherings.

However, there were also indications that some police who were leaving the force had joined ultra-right-wing paramilitary formations. Resignations reached the rate of 22 a day in April. Poor working conditions and bad pay

were cited as the reasons, but political opposition to the strategies of the De Klerk government was thought to lie behind many resignations. (BBC 13.4.90)

The majority of white police are supporters of extreme right-wing groupings such as the Conservative Party and the Afrikaner Weerstandsbeweging (AWB). The AWB claims to have militarily trained 12,000 people and is establishing para-military structures around the country. On 14 May, the Minister of Law and Order met with the leader of the AWB to discuss the issue. A joint statement appeared to give support to the para-military formations, by declaring that they were 'defensive'. The Minister had earlier declared that the AWB vigilantes should join army commandos and the police reserve. (WM 9.2.90)

Armed AWB groups were particularly active in Welkom, in the Orange Free State, where community leaders accused them in May of killing at least two people and beating up and intimidating many others. Residents accused the police of supporting the AWB and began a consumer boycott. After conflicts on a nearby mine, army reinforcements were sent to the town in May. (Ind 15.5.90)

Some black police, however, have sought to ally themselves with the ANC and the Mass Democratic Movement, and by the end of April at least 5,000 police and prison officers were reported to have joined the ANC-aligned Police and Prisons Civil Rights Union (POPCRU) (see PRISONS). POPCRU members, who wish the police to become 'true helpers and protectors of the people', have been victimised by dismissal and other actions. (DD 11.4.90)

Killings

On the basis of press reports monitored since 2 February, the Human Rights Commission concluded that by 1 May the police had killed 139 people in situations of 'political unrest' and injured 1,429. The figures excluded the Eastern Cape and Natal. By March over 200 people had been killed in the conflict in Natal since the beginning of the year, despite the deployment of about 1,600 troops (see BANTUSTANS). Natal and the Eastern Cape excepted, the highest number of deaths were in the Western Transvaal (34), the Pretoria-Witwatersrand-Vereeniging area (23), the Orange Free State (17), Bophuthatswana (18) and the Venda bantustan (19). (HRC Briefing 9.5.90; Natal Mercury 25.4.90)

Widespread incidents

The killing of 11 people during a protest march in Sebokeng on 26 March (see Focus 88 p. 4) was followed by a series of violent attacks on mostly peaceful demonstrations during April and May.

- At least 37 people were injured in Robertson, Western Cape, when police fired teargas, birdshot and rubber bullets into the civic hall where residents were meeting. (DD 13.4.90)

- Four boys between the ages of 13 and 16 were killed in Rammulotsi in the Orange Free State on 19 April when police opened fire on a demonstration. Police claimed they had been stoned, but local residents said the shooting was unprovoked and that police had fired on schoolchildren who had joined a protest against local authorities. (S/GN 20.4.90)

Large-scale police operations, sometimes involving the South African Defence Force (SADF) and similar to operations carried out during 1984-6, took place during March, April and May. Some of these formed part of 'Operation Watchdog', which the police described as one of the largest 'crime-prevention operations' carried out in the country. The police and army conducted house-to-house searches in Komga, outside King William's Town in the Eastern Cape on 3 April. Local residents reported that several people had been injured in police violence and that shots had been fired at random. The operation followed a consumer boycott in the area and attacks by right-wing whites and police. Katlehong, scene of police shootings in March (see Focus 88 p.4), was sealed off by a force of 3,000 troops and police on 29 April, and residents' homes and vehicles systematically searched. (DD 4.4.90; S 30.4.90, 9.5.90)

Bantustans

Bantustan police, sometimes acting in conjunction with the SADF or South African Police (SAP), were also extensively involved in operations, which often entailed the violent suppression of anti-bantustan protests. Attempts by mass organisations to remove unpopular bantustan leaders in Gazankulu, Lebowa and Bophuthatswana led to the extensive deployment of police and military forces (see Focus 88 p. 11).

Troops and police continued to patrol Gazankulu during March, after reinforcements had been brought in during February in response to a stayaway. In early May, in a forceful response to developments in Bophuthatswana, the SADF and bantustan military units carried out joint operations. Troops and police broke up anti-bantustan demonstrations, firing rubber bullets and teargas. (NN 23.3.90, 5.4.90; Star 5.4.90; S 3.5.90)

POLITICAL PRISONERS

Prisoners' release discussed

Following talks between the ANC and the Government on 2-4 May, a joint working group was set up to propose a definition of a 'political offence' and mechanisms for the release of political prisoners.

Between 2 February and 2 April, only 72 political prisoners were reported released before completion of sentence. No more releases seem to have been reported between then and the May talks. Six prisoners are assumed to have completed sentences by May and three were released after sentences were reduced on appeal. Fifteen people were known to have been imprisoned in political trials since February. IDAF's list of political prisoners who have been identified in the press and published reports of monitoring groups, includes almost 700 people still in prison in May, although the total number was in fact much higher.

Details of 24 of those released are listed below, updating the list in the last issue of *Focus*. Most had less than three years still to serve, and 11 less than a year. Most of the releases reported in the last issue of *Focus* affected prisoners with less than a year left to serve, except for those in the Ciskei and Transkei bantustans, who had between two and 17 years still to serve. (*Focus* 88 p.6)

The identity of one prisoner released from Robben Island was unclear. One report described Morontshi MASOBANE as an ANC cadre due for release in 1991 after being sentenced for sabotage in 1979, while another referred to a Black

Consciousness Movement member Daniel MATSUBANE. IDAF's prisoners list records Dan MATSOBANE as sentenced to 12 years in Bethal on 26 June 1979 on charges of 'terrorism' for PAC activities. Mark SHINNERS and John GANYA, also recently released, were sentenced in the same trial. Shinners was released after a second term of imprisonment, having served 10 years for conspiracy to commit sabotage in 1963. (*Focus* 23 p.8, 88 p.6; *DD* 31.3.90; *S* 3.4.90)

In the Venda bantustan, recently taken over by military leaders (see *Focus* 88 p.11), steps were taken to release political prisoners. A committee with representatives from the Mass Democratic Movement and the newly-formed ruling Council for National Unity was set up in May to facilitate, amongst other things, the release of prisoners. Transkei officials announced in February that all political prisoners in the bantustan had been released, but at least one was still in jail during April — Joe JONGILE, sentenced to 12 years in 1986, began a hunger strike at the bantustan's Lusikisiki Prison in April. (*Focus* 88 p.10; *BBC* 21.4.90; *DD* 26.4.90; *NN* 11.5.90)

Warders challenge racism

By March the newly-formed Police and Prisons Civil Rights Union (POPCRU) had recruited 5,000 members and was taking national action to demand an end to discrimination against black warders and prisoners. POPCRU became a target of repression after revealing information confirming the poor conditions and brutality inflicted on prisoners.

A national protest was called after police teargassed warders at Diepkloof Prison on 13 March, suspending 260 and dismissing four. The regime responded with arrests, suspensions, dismissals, threats of eviction and the imposition of restriction orders. Many warders faced charges of attending an illegal gathering following their arrest at protests — 12 in Cape Town on 25 March, eight in Johannesburg on 5 May and an unknown number in East London on 4 April when police used teargas, unleashed dogs and attacked warders with batons, injuring four. Charges under the emergency regulations and the Prisons Act were laid against 68 warders for a protest at Poll-smoor Prison and another suspended warder was arrested for entering the prison. (*Star* 14/17/22/23/3.90; *South* 29.3.90; *DD* 4-6.4.90; *WM* 27.4.90)

By May some disparities in warders' conditions had been addressed and an amendment to the Prisons Act to end compulsory racial segregation in prisons was announced. (*CT* 22.3.90; *Star* 28.4.90)

Conditions exposed

POPCRU members confirmed the bad conditions and assaults by white warders on black prisoners which have sparked hunger strikes. They described how prisoners slept on the floor in crowded cells, were given inferior food and were 'used as cheap labour'. Women were used as domestic workers and men on farms or in other unskilled jobs, where according to former prisoners they are subject to maltreatment and assault. (*WM* 27.10.89; *South* 16.11.89; *NN* 16.3.90; *Star* 2.4.90)

At Leeuwkop Prison 22 prisoners, including political prisoners, began a hunger strike on 1 April protesting against a deficient diet, inadequate and corrupt medical care and the denial of privileges.

POLITICAL PRISONERS REPORTED RELEASED SINCE 2 FEBRUARY

This updates the list in the last issue of *Focus*. Former prisoners are listed by release-date and the prison they were released from. Those released after appeals are listed at the end.

10.3.90 Robben Island

Andile Xintolo 4 yrs. 12.3.86. Mil. training F65

14.3.90 Robben Island

Zanemvula Mapela {5 yrs. 27.5.85. Treason
Xolani Nduna {Assisting ANC member F59

22/23.3.90 Robben Island

Norman Macanda {3 yrs. 12.8.87.
Cyril Ntabeni {ANC. Harbours combatant F72
David Tharasimbi 12 yrs. 18.8.78. Mil. training F19
Thembinkosi Ngobesi 2 yrs. Aug.1988. Terrorism F72

23.3.90 Diepkloof

Mark Shinners 12 yrs. 26.6.79. Mil. training F23

30.3.90 Robben Island

Jongumzi Sisulu 5 yrs. 13.5.86. Assisting ANC F66
Norman Velapi Ngwenya 12 yrs. 22.3.79. Armed attack F22
Khumbele Hector Mnikina 13 yrs. 30.6.78. Mil. training F18
Sergeant Magaretsa Release due Feb. 1991 DD
31.3.90

Aron Oganne {5 yrs. Jan. 1986. Sabotage
Israel Vuyani Mabavu {Members of COSAS. DD 31.3.90

2.4.90 Robben Island

Khotso Sydney Seatlholo 10 yrs. 11.3.82. Mil. training F40
Wiseman Ndomodmi Mdlalana 5 yrs. 3.11.86. Possessing arms F68
Aitken Ramudzili 14 yrs. 31.5.78. Possess. arms F17
Vusumuzi Truman Magubane {15 yrs. 25.7.77. Mil. training
Cleopas Melayibone Ndlovu {ANC and SACTU F12
Naledi Tsiki 14 yrs. 7.4.78. Armed attack F16
Sipho Zachius Binda 6 yrs. 29.10.85. Mil. training F62
Collins Tshabane (Chabane) 9 yrs. 24.6.85. Furthering ANC F60

2.4.90 Pretoria Central

Eric Pelser 7 yrs. 25.2.86. Mil. training F64

REPORTED RELEASED AFTER APPEAL PROCEEDINGS

David Bruce Refusing to serve in SADF F79
Eric Vusumuzi Mabuto {4 yrs. sentence reduced to 1 yr.
Sipho Dubase {Possess. arms, ANC membership
F85
Xolile Jaxa Possessing ANC tape recording F85

ABBREVIATIONS

Organisations: COSAS — Congress of South African Students; SACTU — South African Congress of Trade Unions. Source: F — Focus reference of report of trial leading to sentence.

DETENTIONS

Detentions rise with resistance

Emergency detentions in the Western Transvaal and the Border region of the Cape reached between two and three hundred during April and May. At the same time there was an increase in detentions under the Internal Security Act. Continuing resistance in bantustan areas, reported in the last issue of *Focus*, was met with widespread detentions. (see *LIST*).

Death in detention

Lucas TLHOTLHOMISANG (39), the publicity secretary of the Ipelegeng Civic Association (ICA), was detained by police under the emergency regulations on 19 March in Schweizer-Reneke, and then taken to Klerksdorp prison. On 20 March police transferred him to Tshepong hospital in Klerksdorp where he died on 26 or 27 March. Police told his family that he had died of a brain haemorrhage, but later attributed his death to meningitis. The Detainees Aid Centre called for an independent judicial commission of inquiry into his death (*NN 30.3.90; Star 29.4.90*).

Detentions used against boycotts

Many detained in March and April were involved in consumer boycotts demanding the release of detainees, the desegregation of public facilities, the resignation of town councillors and improvements in living conditions. As well as boycotts in the Eastern Cape Border towns of Stutterheim and Komga which had been in force for some months (see *Focus 88 p.4*), there were new boycotts in the Western Transvaal.

Police in Stutterheim detained local activists in response to the continued consumer boycott of white businesses initiated in November 1989. Seven residents and seven school pupils were reported detained on 13 March, under emergency regulations. One of them, Pupu MGWANGQA, a member of Mlungisi Residents Association, had been involved in negotiations to address the issues underlying the consumer boycott. (*DD 20/21.3.90; WM 23.3.90*)

A boycott in Komga in the Border area of the Eastern Cape began in January. On 15 March three members of the Komga Residents Association (KRA) involved in organising the boycott were detained for a week, before the funeral of a resident shot by police. Residents staged a two-day stayaway in protest over the detentions and intensified the boycott. On 3 April, KRA expressed shock at police and army raids in the township, officially described as a crime sweep, saying that they were an attempt to force an end to the consumer boycott by intimidation (see *POLICE*). (*DD 16/17/21/23.3.90, 5.4.90; WM 23.3.90*)

Residents of Jouberton near Klerks-

dorp in the Western Transvaal initiated a boycott of white business on 2 April, with the support of the Congress of South African Trade Unions (COSATU) and the Jouberton Civic Association. They were protesting against about 20 emergency detentions in the period before and after Sharpeville Day, 21 March, and against the segregation of public amenities. The boycott spread to include the towns of Stilfontein, Orkney and Hartbeesfontein. Henry MOLEME and Thabo SITHOLE were held days before they were due to represent the Jouberton Civic Association and the Jouberton Youth Congress in a delegation to meet the local council. (*NN 20.3.90; Star 23.3.90, 3.4.90*)

On 7 May, six members of the Ika-geng Civic Association, in Potchefstroom, were detained under the emergency regulations, the day before they were to hand a memorandum to the town council offices. Residents had been boycotting white businesses over a range of apartheid-related issues. The memorandum focused on grievances over conditions in the township and demanded the resignation of the local council. The next day about 400 residents were arrested or detained for some hours. The police disrupted an open-air meeting at Ika-geng Stadium preventing a march to the council offices. On 11 May lawyers reported that police had attacked and damaged the homes of five youth activists, detaining two of them, the President of the Ika-geng Youth Congress, Patrick BALOYI, and its General Secretary, Joseph MOLAPISE. (*Star 9.5.90; HRC 10/16.5.90*)

At the end of April the Schweizer-Reneke Crisis Committee reported that residents had called for the temporary suspension of a month-old consumer boycott in the town after police informed residents 'that members of civics and other emergency detainees would be released within 14 days if residents suspended the boycott of white-owned businesses'. Lawyers in the Western Transvaal confirmed reports that at least 300 young people were being held under State of Emergency regulations. About 50 pupils were reportedly held by police in Klerksdorp on 7 April on their return from the funeral of Lucas Tlhotlhomisang. (*S 30.4.90; Star 1.5.90*)

Internal Security Act — Section 29

After a meeting of the ANC's newly established Border Interim Committee in King Williams Town on 11 May, two officers, Glen Sonwabo THOMAS and Robert NOGULMA, were detained under Section 29 of the Internal Security Act. They were taken to police cells in Port Elizabeth. Thomas was charged under the Terrorism Act in 1978 and spent a year in custody before being acquitted. In 1986 he spent a further year in detention. He is also a member of the local Executive Committee of the UDF. (*Focus 19 p.3; HRC 15.5.90; Amnesty Interna-*

tional 15.5.90)

An alleged ANC, Buyani JAMAICA (alias Jeremiah MADLALA) was detained on 22 April in a joint operation involving the Security Branch, the Operational Unit and the Murder and Robbery Squad. He was detained in the Bulwer area of Natal on suspicion of involvement in the death of a police constable on 15 April in New Hannover. (*Natal Mercury 25.4.90*)

In Hout Bay, in the Western Cape, police detained a housing action worker Dick METER under the Internal Security Act on 20 March, on the grounds that he had assisted a 'trained terrorist'. In April Shantaal Meter, his wife, applied to have his arrest declared unlawful in the Cape Supreme Court. Judgment was reserved after the state opposed the application. On 21 April about 150 people marched to the Hout Bay police station to demand Meter's release. (*CT 22-27.4.90; Argus 25.4.90; South 29.4.90*)

Journalists and members of the Media Workers Association of South Africa (MWASA) were detained in March and April. Two were held under Section 29 of the Internal Security Act. Sithembele KHALA, the general secretary of MWASA was reported to have been detained on 23 March. Khala served seven years from 1979 on Robben Island following a treason trial in Bethal for his involvement in Pan Africanist Congress (PAC) activities and was released in 1986. (*Focus 23 p.8*)

Horatio MOTJUWADI, the sports editor of the *Sowetan*, was detained on 12 April from his home in Mohlakeng, Randfontein. Vincent MFUNDISI, the vice-chair of MWASA in the Southern Transvaal and a South African Broadcasting Corporation (SABC) journalist, was reported detained under Section 50 of the Internal Security Act (see below) on 19 April and held for three days. Another MWASA member, Fani HLONGWANE, was detained by Bophuthatswana police whilst in Hamanskraal, under the bantustan's emergency regulations. Hlongwane is a MWASA shop steward in Pretoria. (*Star 17-20/23.4.90; BBC 19.4.90; S 17-19/23/27.4.90, 4/9.5.90*)

Internal Security Act — Section 50

There were at least three reports of detention under Section 50 of the Internal Security Act in April. Section 50 permits 14 days detention and was introduced in 1982 to 'combat a state of unrest'. It was widely used before the declaration of a partial State of Emergency in July 1985 and later in 1985 in areas not covered by the State of Emergency. (*Focus 58 p.6, 60 p.2*)

Mavuyi THANDU (24) and Bulelwa MGHU (20), facing charges of public violence, were detained after reporting to a police station in Hermanus in the Western Cape in accordance with their bail conditions. They were detained initially under Section 50 and reportedly transferred to detention under the emergency regulations. (*RMG 15.4.90*)

The third reported detention under Section 50 was that of Vincent Mfundisi of MWASA, described above.

DETAINEES — Additional to previous lists (Internal Security Act)

Date	Place	Name(Age)	Details (where known)
20.3.90	Wynberg	Meter, Dick	ISA 29. Rel. on 17 May
23.3.90	Johannesburg	Khala, Sithembele	ISA 29. MWASA, General secretary
11.4.90	Mitchells Plain	Martin, Raphael	ISA 29. Univ. of Western Cape student; SAYCO
12.4.90	Johannesburg	Motjuwadi, Horatio (35)	ISA 29. MWASA
19.4.90	Transvaal	Mfundisi, Vincent	ISA 50. MWASA. Rel. by 21.4.90
22.4.90	Bulwer	Jamaica, Buyani	ISA 29. Alleged ANC combatant
25.4.90	Potgietersrus	Kekana, Cornelius	ISA 29. Member AZAYO
11.5.90	King Williams Town	Nogulma, Robert	ISA 29. ANC Border Interim Committee
11.5.90	Port Elizabeth	Thomas, Glen	ISA 29. ANC Border Interim Committee. Rel. by June

DETENTIONS UNDER EMERGENCY REGULATIONS AND BANTUSTAN LAWS — March and April 1990

CAPE

Stutterheim

Homane, Thembisile *Student Representative Council*
Mgwangqa, Pupu *Mlungisi Residents Association*
Philip, Temba *Church youth leader* (Det. since Dec. 1989)
Seven unnamed pupils and residents

Komga

Bonisile, Mtalana *Komga Residents Association* Rel. 21.3.90
Mpumelo, Mpondo *Komga Residents Association* Rel. 21.3.90
Ziqu, Elliot *Komga Residents Association* Rel. 21.3.90

Mossel Bay

Ndanda, Terence (33) *Advice worker*

Hermanus

Mghu, Bulelwa (20) *See article: 'ISA 50'*
Thandu, Mavuyi (24) *See article: 'ISA 50'*

NATAL

Durban

Khumalo, Lucky
16 unnamed people

ORANGE FREE STATE

Kroonstad

Medupi, Samuel *UDF*
Melepi, Joseph *UDF*
Mofekeng, Stoffel

Carletonville

Mtyotywa, Sipho *Khutsong Civic Association*

Bloemfontein

Dladla, Reverend *UDF*
Kgcomo, Rev Khana *UDF*
Pasha, Edwin *UDF*
Santiri, *UDF*
Selebomo, *UDF*

Rammulotsi

70 unnamed people

Odendaalsrus

Dithebe, Sello *Kutlwanong Youth Congress*
Dugwane, Mxolisi *Kutlwanong Youth Congress*
Mayekiso, Monty *Kutlwanong Civic Association*
Mayekiso, Vakele *Kutlwanong Civic Association*

TRANSVAAL

WESTERN TRANSVAAL

Approx. 40 unnamed people

Potchefstroom

Baloyi Patrick *Ikageng Youth Congress, President*
Mekgwe, Michael *Ikageng Youth Congress*
Molapise, Joseph *Ikageng Youth Congress, Gen. secretary*
Six members, *Ikageng Civic Association*

Schweizer-Reneke

Tlhotlhomisang, Lucas (39) *See DEATH IN DETENTION*

Klerksdorp

Mazabane, Xolile *Witwatersrand Univ. Student* Rel. by April
Moleme, H *Jouberton Civic Association* Rel. 24.4.90

Ndwanwe, Lawrence *Witwatersrand University Student*
Sithole, Thabo *Jouberton Youth Congress* Rel. 24.4.90
Approx. 20 unnamed people

PWV AREA

Vaal Triangle

Letlatsa, Mahomed *AZAYO*
Maboe, Sabata *Azanian Student Movement*
Potsane, Jacob *AZAYO*
Sebiloane, Lerwana (22) *Azanian Student Movement*

Tembisa

Marakalla, Debora *Tembisa Youth Congress* Rel. 10.5.90
Ndzimande, Philemon *Tembisa Youth Congress*
Qwabe, Godfrey *Tembisa Youth Congress*
Ramarou, Peter *Tembisa Youth Congress*
Semetsi, Sam *Tembisa Youth Congress*

NORTHERN & EASTERN TRANSVAAL

Pietersburg

Mathale, Cassel (28) *Northern Transvaal Youth Congress*
Monakedi, De Wet *Motalane* (28) *SAYCO Executive*

Lebowa

Bopape, Mgaka *Lebowakgomo Civic Association*
Five unnamed members, *Lebowakgomo Civic Association*
Masekwameng, Frans *Lebowakgomo Civic Association*
Mnguni, Louis Aaron (34) *UDF, N. Transvaal* Rel. 30.4.90
Sekonya, Kamelo *Lebowakgomo Civic Association*
Seleka, Jackie *Lebowakgomo Civic Association*
Approx. 200 members, *Bushbuckridge & Acornhoek Youth Congress*
Six unnamed students, *Univ of the North* Rel. by April

Bophuthatswana

Hlongwane, Fani (ER-B). *MWASA*
Huma, Patrick *Prosecutor* Rel. 28.3.90
Letalatala, Endru (ER-B) *Brits* Rel. by April
Magano, Peter (ER-B) *Ex Robben Island Prisoner*
Malebane-Metsing, George *Christian Solidarity Movement*
Malefetse, Jacob *Magistrate* Rel. 28.3.90
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Mosupye, John *National Seoposengwe Party*
Pgabane, Christopher (ER-B) *Brits* Rel. by April
Raborifi, Thabo *Magistrate* Rel. 28.3.90
Shabalala, O'Brien

Gazankulu

Mabasa, Joyce *Giyani Youth Congress*
Malavi, Robert *Gazankulu Public Servants Ass.* Rel. 30.4.90
Mathebula, David (25) *Giyani Progressive Teachers' Congress*
Naidoo, Muthal *Giyani Prog. Teachers' Congress* Rel. 30.4.90
Nkondo, Tsietsie *Giyani Youth Congress*
Winberg, Marlene (31) *Giyani College of Education lecturer*

ABBREVIATIONS

Laws: ER-B — Emergency regulations, Bophuthatswana; ISA 29 (50) — Internal Security Act Section 29 (50). Organisations: AZAYO — Azanian Youth Organisation; MWASA — Media Workers Association of South Africa; SAYCO — South African Youth Congress; UDF — United Democratic Front

DEATH SENTENCES

More discretion for judges

Proposed changes in the law relating to death sentences would give judges more discretion in deciding whether or not to sentence people to death. With a moratorium on executions still in force, the changes were put to parliament during April, not long after three political prisoners on Death Row had their death sentences commuted to terms of imprisonment.

The Criminal Law Amendment Bill (1990) contained provisions for several changes. Until now the death sentence has been mandatory when someone is convicted of murder without narrowly defined extenuating circumstances. The changes would mean that a judge could decide not to pass sentence of death even where no extenuating circumstances are found. This would affect people over 18 at the time of the offence, as the Bill also proposed abolishing the death penalty for younger people. It also contained provisions for an automatic right of appeal against a death sentence, and the right to a legally-assisted petition for clemency to the State President.

People already on Death Row would, once the Bill was adopted, have their cases reviewed by a panel of experts, mainly judges. It would consider whether or not the sentences should still stand in the light of the changes in the law. New evidence can be submitted to the panel by the prisoner. After the panel has reviewed a case, it will go either to the State President or to the Appeal Court, depending on the nature of the panel's recommendations, for a final decision on sentence. (GN/S 27.4.90; *Lawyers for Human Rights* 3.5.90)

Sentences commuted

On 20 April it was announced that three political prisoners had had their death sentences commuted to terms of political imprisonment. All three men were from Tembisa. They were among a total of 10 prisoners who had their death sentences commuted by the State President at the end of April. (Star 21 4.90)

Joseph CHIDI was sentenced to death in September 1987 after being convicted of murder for his alleged part in the death of a Tembisa councillor in May 1986. His conviction was upheld even after his trial was re-opened in 1989. He maintained throughout both trials that he was innocent. His sentence was commuted to 20 years imprisonment. (Focus 85 p.8)

Rodney MOLOI and Stanford LEBEPE also had their death sentences commuted to 20 years in prison. They were convicted in March 1988, on the basis of common purpose, of murder in a trial arising out of the killing of a railway policeman.

Moloi maintained that he was not at the scene of the killing. The judge in their trial recognised that there were extenuating circumstances in Lebepe's case, as he believed the policeman had killed his brother, but nevertheless sentenced Lebepe to death. (Focus 86 p.10)

In another case, an appeal by three political prisoners on Death Row was due to be heard by the Appeal Court on 2 May. Siphon GONYA, Ringo FARLAND and Phutumile DLABATHI were sentenced to death in July 1988 after being convicted of killing an alleged police informer in Duncan Village in October 1985. Ringo Farland was not in court when sentenced as he had absconded, but was later re-arrested. A fourth person sentenced in the same trial to 18 years imprisonment, Fukame NKATA, appealed against her conviction and sentence along with the other three. (Focus 82 p.7; DD 18.4.90)

POLITICAL TRIALS

Completed trials

Mngomezulu

Vusi MNGOMEZULU (27) of Tembisa was sentenced on 16 May by the Johannesburg Regional Court to three years imprisonment. He was convicted of having undergone military training with the ANC, and was described in press reports as a 'deputy chief of staff'. When he was arrested in 1988, he was in possession of a Makarov pistol.

In October last year, during his trial, Mngomezulu told of being interrogated for 54 hours by security police in Germiston, and of being tortured during the interrogation. (S 27.10.90; BBC 19.5.90)

Rohan

A journalist who joined the ANC in 1988 was sentenced to 15 years imprisonment on 9 April this year for alleged bomb attacks on police and military installations in Durban between January and April last year.

Mohammed Rafiq ROHAN (36), news editor of *Post Natal*, a newspaper aimed at the Indian community in Natal, was arrested after a car chase on 7 April, the night of an explosion at the SAP headquarters in Durban. Three people were injured in the explosion and extensive damage to property caused.

Rohan was held for three weeks under Section 29 of the Internal Security Act before appearing in the Durban Magistrates Court. His trial began in the Pietermaritzburg Supreme Court on 1 February this year and ended with him being convicted of sabotage, causing an explosion and being illegally in possession of arms and ammunition. (DN 29.4.89, 15.7.89; Star 27.8.89, 16.4.90)

Giving evidence in mitigation he said that his 'encounters with racism' began at an early age. Later as a reporter in

Cape Town he had witnessed the 'Trojan Horse' incident in which police concealed in a truck had shot and killed children throwing stones at the truck. After this incident he 'was convinced then, that, at all cost, this government had to go'. He explained that in the planning of operations and in the choice of targets 'every attempt had been made to ensure that there were no civilian casualties'. (DD 10.4.90)

Sebidi and Nkabinde

Two young men from Soweto were given sentences in May for their part in the ANC's armed struggle. Pule SEBIDI (29) and Dumisane NKABINDE (28) were sentenced to four years and one year imprisonment respectively. They were charged under the Internal Security Act with receiving military training from the ANC; infiltrating the country from Swaziland during 1988; establishing an arms cache in Katlehong on the East Rand; and taking part in an attack on 15 October 1988 on the Thokoza Council barracks near Katlehong.

Evidence in mitigation revealed that they became politicised while at school together in Soweto in 1977. At the University of Zululand they had set up the first branch of the Azanian Students' Organisation (AZASO) (now called the South African National Students Congress (SANSCO)). They left the country in 1984 after the police raided the university campus and attacked students protesting against a planned visit by Gatscha Buthelezi, the Kwazulu bantustan leader. (NN 7.7.89; GN 10.5.90)

At the end of February, Sebidi and Nkabinde took part in a successful hunger strike by 23 members of Umkhonto we Sizwe held at Johannesburg prison. The protest was over moves by the authorities to transfer some of them away from other political prisoners. The decision, reversed as a result of the prisoners' action, was interpreted as being related to the ANC's demand for the release of all political prisoners in order to create a climate for negotiations. (Focus 88 p.6; NN 23.2.90)

Vantyu

An alleged ANC combatant was acquitted after the prosecution was instructed to close its case against him by the Attorney-General for the Eastern Cape. Petros VANTYU (28) was alleged to have left the country in October 1985 to undergo military training with Umkhonto we Sizwe. He first appeared in the East London Regional Court in January 1989 and had been on bail of R5,000 since November last year. (DD 20.1.89, 7.11.89; CT 30.3.90)

No reason for the Attorney-General's action was reported in the press. There was in particular no indication whether it was related either to the court having earlier ruled as inadmissible a statement which Vantyu made to the police while in detention, or to a request which the defence had made that the state drop its case in view of the unbanning of the ANC. Vantyu was acquitted on 29.3.90. (DD 30.3.90)

Other Trials

Workers and school-students on trial

The use of the courts in the repression of popular resistance to apartheid continued after the unbanning of political organisations. While some of the trials arose out of protests last year, others were in response to actions by workers and school students since February.

Labour struggles

The trial of five members of the Paper Printing Wood and Allied Workers Union (PPWAWU) resumed in the Rand Supreme Court on 4 February to hear evidence in mitigation. Elias PHASA (40), David MOLEBALA (25), Bongani MAZIBUKO (34), Michael Thabiso MACHEPHA (25) and Jerry RANTEKOA pleaded guilty to various charges including murder, culpable homicide and assault with intent to do grievous bodily harm. A sixth man, Sydney DLAMINI was to be tried at a separate hearing.

The accused were amongst a group of 31 PPWAWU members who first appeared in court in March 1989 on charges arising out of the killings of six non-strikers in June 1988. Most had been detained under emergency regulations in July and August of that year. They were involved in a strike at all branches of Afcot, the largest furniture manufacturer in South Africa. The accused described in court the tension during the month-long strike which management tried to break with the use of non-union labour. Strikers described in affidavits how they were harassed and assaulted by Afcot management and the police. (*Star* 3.6.88, 14.3.89, 30.5.89, 10.11.89; *NN* 2.2.89, 5.2.90)

The trial of Abraham MALATJIE (40) and Daniel SEKELE (39), members of the Transport and Allied Workers Union, continued in the Pietersburg Regional Court in February. Charges of instigating and participating in an unlawful strike arose from work stoppages at Lebowa Transport depots between June and July 1987, in support of demands for a wage increase and the reinstatement of nine colleagues. All charges against a third man, Rhodes MAKAMU, were withdrawn in April 1989. All three spent eight months in detention before their first court appearance in May 1988. Judgment was due to be given on 21 March, but there have been no further press reports. (*S* 3.5.88; *CP* 30.4.89; *Star* 27.7.89, 14.2.90)

Industrial action at two workplaces led to over 100 people being charged with trespassing. Eighteen members of the South African Chemical Workers Union appeared in the Bellville Magistrates Court on 28 February on charges of trespassing following an illegal strike in support of a wage claim. Union or-

ganisers said that workers had defied a court order prohibiting them from entering the workplace. In March, 97 members of the National Union of Metal Workers appeared in the Krugersdorp Magistrates Court facing similar charges following a sit-in to support a R1.50-an-hour wage increase. (*CT* 23.2.90, 1.3.90; *S* 8.3.90)

In April, 180 Transkei postal workers who went on strike last year were convicted in the Umtata Regional Court on three charges relating to holding an illegal gathering. The strike arose from the harassment of union officials. Sentence was due to be passed on 30 May. (*Focus* 85 p.8; *DD* 20.4.90)

Similar charges were laid against 92 Beacon Bay municipal workers who appeared in the East London Regional Court in April. The municipal council obtained a Supreme Court interdict which resulted in the eviction of employees from its premises and restrained them from re-entering. The accused were warned by the magistrate not to involve themselves in any illegal gatherings and were ordered to re-appear in court in June. (*DD* 11/12.4.90)

Other workers facing charges relating to illegal gatherings include 29 members of the Municipal State Farm and Allied Workers Union who appeared in the Vereeniging Magistrates Court in April, following pickets of Rand Water Board sites in Johannesburg and Vereeniging in a demand for the reinstatement of 370 workers dismissed after a strike. In May, 23 members of the Commercial Catering and Allied Workers Union were arrested and charged under the Gatherings and Demonstrations Act after demonstrating outside a Cape Town hotel against the dismissal of 27 hotel staff in March. (*Star* 12.4.90; *S* 4.5.90)

Education struggles

In February, charges of trespassing were laid against two youths from a school in the Western Cape. The charges were brought by the youths' headmaster when they returned to school — they were among 50 students expelled in October after a class boycott related to the defiance campaign. (*South* 22.2.90)

Sixteen pupils from Bohlakong in the Orange Free State faced charges of public violence in March arising out of a

month-long class boycott. The students' grievances included the refusal of the authorities to re-admit students who had failed matric or were politically active, the retrenchment of teachers and the use of unqualified teachers. (*NN* 2.3.90)

The arrest of youths following a boycott of the KwaZamokuhle Secondary School in the Eastern Transvaal in March led to five hours of police violence against residents of Arnot, a mining village near Witbank. According to mineworkers, about 700 people gathered following the arrest of the youths. A police car was overturned and set alight. The police then fired birdshot and stun grenades and set dogs on residents, injuring several people. The police also carried out an extensive search of homes. (*NN* 23.3.90)

Forty-two pupils in Ikageng, Potchefstroom, were reported to have been arrested on public violence charges at the end of April. The arrests followed demands by pupils for school fees to be refunded. According to a fieldworker for the Detainee Support Committee police 'stormed' a local primary school and arrested pupils. (*S* 26.4.90)

Prison sentences

- It was reported in *Focus* 87 that Danisile NOKYATYWA (33) had received a custodial sentence in the Wynberg Regional Court after being convicted of 'terrorism'. According to the Human Rights Commission he received a nine-year prison term in December. (*HRC Update Jan 90; Focus* 87 p.9)

- Six Cape Youth Congress members were jailed for two and a half years in the Wynberg Regional Court on 28 March after being found guilty of public violence. Mzwandile XESHA, Vusumzi FUTSHANA, Paulos MOKOENA, Simon SENELI, Thembinkosi MBANJWA and Ntsikelelo KHAMBI were found to have damaged shacks and a car during conflict at the KTC squatter camp in January 1988. (*WM* 5.2.88; *Star* 29.3.90)

- The Repression Monitoring Group reported in April that Jonathan GANGALIZA from Paarl was sentenced in a court in the Western Cape to 15 months imprisonment for public violence on 19 April. No details of the incident were reported. (*RMG* 15.4.90)

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BANTUSTANS

The Natal carnage

As three years of violence in the Natal region escalated during March and April, evidence from independent monitors held Inkatha to be mainly responsible. In the three years more than 3,000 people have been killed and between 60,000 and 100,000 forced to flee their homes. Partisan policing contributed to the conflict, as did lack of confidence in the courts, as perpetrators of violence escaped with impunity. (DN 14.2.90; Star 26.3.90)

Background

Gatsha Buthelezi, leader of the Kwazulu bantustan and president of Inkatha, has used the bantustan state machinery to coerce people to join the organisation. The formation of the United Democratic Front (UDF) in 1983 and Congress of South African Trade Unions (COSATU) in 1985, which was launched in Durban, was perceived as a threat to Inkatha. Its response was the formation of the United Workers Union of South Africa (UWUSA) in an attempt to challenge COSATU.

The bantustan authorities used both Inkatha and UWUSA in attempts to undermine the strategies of popular opposition such as consumer and bus boycotts, strike action and other protests. In 1985, following the dismissal of 1,000 SARMCOL workers who were members of the COSATU-affiliated Metal and Allied Workers Union (MAWU), UWUSA organised their replacement. Several MAWU shop ste-

wards were murdered by Inkatha members, an inquest found. In September 1987, as forced recruitment into UWUSA continued and as the UDF and COSATU grew in strength, Inkatha violence escalated. (Monitor; SS/WM 23.2.90)

Peace efforts

In December 1987, the Natal Chamber of Commerce unsuccessfully attempted to mediate. Independent monitoring groups, including the University of Natal's Centre for Adult Education, produced evidence suggesting that Inkatha, with the support of the police, was the cause of the violence. Although over 1,000 people were detained in terms of the emergency regulations in 1987 in the region, none of them were members of Inkatha, the Centre said. The Centre supported evidence in a COSATU report that over 90 per cent of the victims of the violence were non-Inkatha members.

In 1988 and 1989, further attempts by the local UDF and COSATU leadership to reach peace failed. Calls for peace this year by Nelson Mandela and other ANC leaders have gone unheeded by Inkatha.

Police complicity

Although the government points to the violence in Natal to justify retaining the State of Emergency, violence has escalated in spite of emergency rule. Evidence given to the RS Douglas Commission of Inquiry (established at the request of the Congress of Traditional Leaders — CONTRALESA) reveals that the South African Police have openly sided with Inkatha, standing by while crimes of arson and theft were being committed by Inkatha vigilantes. The responsibility for the policing of townships is primarily that of the Kwazulu bantustan police (KZP), controlled by Buthelezi.

The Minister of Law and Order in his visits to the area has only met with officials of Inkatha and has reiterated their assertions that the UDF is responsible for the violence. Allegations against police collaboration with Inkatha vigilantes in the region have gone uninvestigated. Repeated calls for the setting up of an independent judicial commission of inquiry made by different bodies including the churches and the ANC went unheeded.

On the other hand, in response to a demand in February by Buthelezi that black soldiers be withdrawn from the area because of alleged anti-Inkatha attitudes, the Minister of Law and Order announced in April, without any public investigation of the allegation, that the soldiers in question were being replaced.

When Inkatha launched an indiscriminate and unprovoked attack on the Edendale community on 25 March they were being escorted by the police, according to the report of a UDF/COSATU Joint Working Party. Police did not seriously attempt either to disarm or disperse Inkatha impis (warriors), but sided with them. The impis used rifles and other weapons which are not easily obtainable. The revelation that new military reinforcements to the area were from 32 Battalion, notorious for its brutal engagements in Namibia and Angola, provoked strong protest from the ANC and local authorities. (Ind 16.2.90; S Trib 18.3.90; S 29.3.90; S. Star 1.4.90; BBC 18.4.90)

As peace efforts failed and calls for peace went unheeded, there were public protests directed at the bantustan authorities. They took the form of stayaways in April by civil servants who are members of the National Education Health and Allied Workers Union class boycotts at schools and public marches. The situation of refugees remained desperate as the regime refused to declare the area a disaster area, and police activities continued to exacerbate the situation. (NN 5/20.4.90)

Sources and abbreviations: BBC British Broadcasting Corporation Summary of World Broadcasts, London; Cit The Citizen, Johannesburg; CP City Press, Johannesburg; CT Cape Times, Cape Town; DD Daily Dispatch, East London; Debates Parliamentary Debates, Cape Town; DN Daily News, Durban; EP Evening Post, Port Elizabeth; EPH Eastern Province Herald, Port Elizabeth; FM Financial Mail, Johannesburg; FT Financial Times, London; GG Government Gazette, Pretoria; GN Guardian, London; HRC Human Rights Commission Johannesburg; MS Morning Star, London; Nam Namibian, Windhoek; NCC Namibia Communications Centre, London; Obs Observer, London; S Sowetan, Johannesburg; SS Southscan, London; S Star Sunday Star, Johannesburg; Star Star, Johannesburg; ST Sunday Times, London; S Trib Sunday Tribune, Durban; Tel Daily Telegraph, London; T Times, London; TN Times of Namibia, Windhoek; WA Windhoek Advertiser, Windhoek; WM Weekly Mail, Johannesburg; WO Windhoek Observer, Windhoek.



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