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# focus

ON POLITICAL  
REPRESSION IN  
SOUTHERN AFRICA

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## 'MY MISSION'—JA TOIVO

SWAPO founder member Herman TOIVO JA TOIVO has been actively engaged in political work on behalf of the Namibian freedom struggle since his unexpected release at the end of February.

The first public statements made by ja Toivo, who served more than 16 years on Robben Island on charges under South Africa's Terrorism Act, confirmed his unshaken loyalty to the liberation movement and the fight for a genuinely independent Namibia. Following his release in Windhoek and acquisition of a passport, he travelled to Zambia to meet the SWAPO president, Sam Nujoma, and subsequently accompanied the presidential delegation to a number of African countries.

The South African Minister of Justice stated at the time of ja Toivo's transfer to Windhoek that steps would 'in due course' be taken to transfer other Namibian prisoners from South African prisons to prisons in Namibia (RDM 1.3.84). Subsequent events have tended to confirm, however, that the release of ja Toivo does not in itself imply any further reduction in South African repression in Namibia, still less any concrete steps towards South Africa's implementation of the terms of UN Security Council Resolution 435.

Ja Toivo's unexpected freedom prompted considerable speculation, both within SWAPO and internationally, that South Africa hoped his presence would throw the SWAPO leader-

ship into disarray and promote dissension, while at the same time enhancing the role and credentials of 'internal parties' in Namibia who had previously attracted publicity by calling for his release. Any such ambitions on the part of the South African government, however, appear to have been thwarted by ja Toivo's statements and actions as a free man.

### UNWELCOME FREEDOM

Ja Toivo was at first unwilling to accept release from the South African authorities. He cast doubt on the sincerity of South Africa's motives and stressed his wish to avoid being used as a propaganda tool.

The first indication of his impending freedom was his sudden transfer, together with four other Namibian prisoners, from Robben Island to Windhoek prison. Ja Toivo, a co-founder of SWAPO, was 'Accused No. 24' in the 1967-8 Pretoria Terrorism Trial. Nineteen of the 37 Namibian defendants received life terms on 9 February 1968, while ja Toivo and eight others were sentenced to 20 years imprisonment. He had previously spent two years under house arrest in Namibia and in prison awaiting trial.

On 29 February 1984, with just less than four years of his sentence still to run, ja Toivo was unexpectedly told to pack his few belongings. He and his four colleagues were held in isolation overnight and then, on the morning of 1 March, chained with leg irons and taken to the Robben Island air strip. They were flown by army helicopter to the Ysterplaat military base in Cape Town, and from there to Windhoek prison.

In the course of 1 March, ja Toivo's reprieve order was signed by the Administrator General, and his elderly mother, Elizabeth Malima, and his sister, Ester Shikongo, were

'This is not my freedom. I will not be free until the people I left behind are free. I went to jail for the freedom of my people, I went to jail for the freedom of my country. I will not be free until they are free'

— the first public statement by Herman Toivo ja Toivo on his release on 1 March (RDM 2.3.84).

escorted to Windhoek Prison by a SWAPO branch member Jeremiah Nambinga. Aware continued on p.12

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# namibia

## KASSINGA - COURT ACTION

The continued detention of at least 118 young Namibians, six years after they were captured by South African forces during an attack on the Kassinga refugee settlement in southern Angola, was brought to public attention by a court action initiated by relatives of some of the detainees and three prominent church leaders in March.

Their initiative, and the call by Herman ja Toivo for the immediate release of the Kassinga detainees, reinforces international concern about the detainees' fate. There has been increasing pressure for their release in recent months.

In an action brought against the South African Minister of Defence, the Administrator-General, the head of the SWA Territory Force and the Officer Commanding Mariental military detention camp, 23 applicants have submitted affidavits calling for the release of 37 prisoners held at the Mariental detention camp. Among the applicants are Bishop Kauluma of the Anglican church, Bishop Hausiku of the Catholic church and Bishop Dumeni of the Evangelical Lutheran Ovambo-Kavango church, as well as 19 others, mostly relatives of the detainees.

Lawyers acting for the applicants stated in their submission that the captives were 'unlawfully seized by the SADF outside the territory of South West Africa across an international frontier in the sovereign state of Angola'. Such abduction was contrary to the laws of the territory of Namibia. The lawyers submitted that 'the said captives have been removed against their will from the sovereign state of Angola, held against their

will in captivity for six years, denied their common law rights, not least to liberty, and have not been charged or brought to trial in all that time'.

'It also appears', the statement says, 'that in certain instances there has been maltreatment, unlawful under both the laws of this territory and international law'.

The lawyer acting for the applicants, David Smuts, said in his affidavit that he had received confirmation from the SWATF that the detainees were being held under Proclamation AG9. He pointed out that AG9, which provides for emergency regulations being imposed on an area, giving the security forces powers of search, detention and seizure, did not apply to the Mariental district.

### RELEASE DEMANDED

A former Kassinga detainee, and relatives of 15 of the detainees held at Mariental, all submitted affidavits to the court demanding their release.

Benedictus Shilongo, who had been held for six weeks at Oshakati after his abduction from Kassinga, gave the names of 13 persons who had been captured with him and were still being held. He said in his affidavit that he was assaulted on various occasions with a clenched fist or a stick, and was also given electric shocks. He saw another detainee, Nikodemus KATOFA, being hung up for long periods on a wire fence by his arms, his feet not touching the ground. Shilongo said he was blindfolded for most of his detention, and regularly heard screams in the camp where he was being held. He was released with nine friends after six weeks.

Josef Katofa said in a sworn statement that his two brothers, Nikodemus and Efraim Katofa, had both gone to Angola in 1978. He later heard that they had been abducted and taken to Oshakati, and subsequently to Mariental. Another applicant, Simon Shilongo, said he had seen his sister Frederika at the Mariental camp in November 1983. She had

told him that there were, among the prisoners, more than 100 young women at Mariental.

Bishop James Kauluma said in his affidavit that he had often been approached by members of the civilian population for help in finding lost relatives or friends, some of whom were held by the South African armed forces. Since no family or friends of nine named detainees could be traced, he felt it his duty to join in the application on behalf of the detainees (*WO 10.3.84; CT 7.3.84; WA 6.3.84*).

The South African authorities have never released the names of all the Kassinga detainees. The fact that only 37 of an estimated 118 detainees have been named in the application points to the difficulties facing those campaigning for their release.

David Smuts stressed in his submission that despite great efforts on his part, he could not trace the family or friends of 12 detainees. He pointed out that this was a consequence of the security situation, poor communications and the climate of fear in the country (*WO 10.3.84*). He asked the Windhoek Supreme Court to order the respondents to produce all the internees named, state on what charges they are being held, why they are being detained, and release them from the camp. The names of the detainees submitted to the court are:

Cornelia ADAM; Saltiel AILOMHO; Ester AININA; Pinehas ALUTENI; Heinrich AMAKALI; Willem AMUTENYA; Gideon AMWELE; Esther ANDJELE; Achilles ANGULA; Amalia AUPINDI; Benny AUSIKU; Shimbundu AUWANGA; Jona HAIHAMBHO; Ruben HAMUTENGELA; Josef HIDULIKA; Sofia HINALULU; Francina IITENGE; Tomas JOHANNES; Elizabeth JONAS; Remarkus JOSEF; Naemi KALLI; Efraim KATOFA; Nikodemus KATOFA; Abraham LAZARUS; Federis MARTIN; Ndahafa Simeon NASHILONGO; Thomas NGHITUKURA; Efraim NTINDA; Selma NYOWA (NUJOMA?); Daniel SHAPUMBA; Gustav SHIFUNDO; Josefina SHIFUNDO; Ester SHIKONGO; Frederika SHILONGO; Johannes SHIPANGANA; David SHOOMBIE; Serafina TITUS (*WO 10.3.84*).

### ATROCITY CHARGES DISMISSED

A senior police official told a group of political correspondents that allegations of torture and intimidation of civilians by Koevoet were 'unsubstantiated and untrue'. He said that this was the conclusion arrived at by three senior South African police officers who had investigated allegations of atrocities (*WA 17.1.84*).

There have been a number of inquiries, all conducted by the armed forces themselves, into the numerous allegations of atrocities against civilians. They have all rejected such allegations (*FOCUS 47 p.9, 45 p.9, 42 p.8*).

### DEATHS IN DETENTION

The deaths of two men in detention were revealed at court inquests, often the only source of information on such incidents, long after they have occurred. The Administrator General admitted that Elogo GEBHARD died on the day of his arrest in August 1981, in the

custody of the security police in Ovambo. Gebhard's wife was informed of his death in April 1982. She wrote to the Administrator General in November 1983 asking for an inquiry, and received a letter stating that an inquest held at Oshakati Magistrates Court had found that 'nobody could be held responsible' for Gebhard's death' (*CCN Information, February 1984*).

The body of an 18-year-old schoolboy, Leonard KAMATI, was found on the Namibian/Angolan border six days after he had been detained by Koevoet on 21 December 1982. He had three bullet wounds. Kamati had been held for questioning about alleged help to SWAPO guerillas. Giving evidence at an inquest hearing at the Tsumeb magistrates court, a police officer said Kamati had admitted under interrogation that he had acted as a guide for SWAPO guerillas. He denied claims by Kamati's father that the security forces could have killed Kamati (*WA 17.1.84*).

A plea for information about the fate of Sakamo NAFINGO, who was taken from his

home by South African soldiers on 8 August 1982, appeared in a recent edition of the church newspaper *Omukwetu* (*Dateline-Namibia, No 2, 1984*).

### LUTHERANS DETAINED

A pastor of the Evangelical Lutheran Church and his wife were detained in Kavango by members of the army on 11 February. They were arrested after five SWAPO combatants had reportedly visited their kraal and asked for food.

Following a press conference called by Hans Röhr of the Namibia Christian Democratic Party to publicise the arrests, the SWA Territory Force confirmed on 28 February that they were still holding Pastor Nathaniel SILONGO and his wife, both of Mpunguvlei.

Röhr said that Pastor Silongo had been detained after two of the alleged insurgents had been killed in a shoot-out with the armed forces after leaving the kraal (*WA 29.2.84*).

## BAN ON SWAPO MEETING

SWAPO's political activities in Namibia continue to be severely restricted by a *de facto* ban on meetings of the liberation movement. In addition, several of SWAPO's officials and members have been under restriction orders for months or years, preventing them from engaging in political activities.

While the release of Herman ja Toivo sparked off a spontaneous rally in Katutura, SWAPO's formal application to hold a public meeting was preempted by threats from the security police that such a meeting would not be permitted.

In compliance with the *Prohibition and Notification of Meetings Act* of 1981 SWAPO submitted a written application to the Windhoek Chief Magistrate for holding a meeting on 11 March. The Act prohibits public meetings being held by any political party which advocates a change of government by force. It requires any organisation wishing

to hold a meeting to notify the magistrate of time, place and speakers who would address the meeting.

A decision was still being awaited from the magistrate dealing with SWAPO's application after a further affidavit had been requested, when the Commissioner of Police, General Gouws, intervened. He warned that the planned meeting would be illegal and action would be taken against anyone attending. He claimed that the Act was already contravened when arrangements were made public for the meeting, and said investigations were being made with a view to prosecuting the organisers (*WA 21.2.84, 5.3.84*). Daniel Tjongarero, SWAPO's Deputy Vice-Chairman, was visited by the security police and warned that charges were being investigated against him. Solomon Gamatham, a co-organiser, received the same warning (*WO 25.2.84*).

In a letter to General Gouws objecting to his conduct, lawyers acting for SWAPO stressed that his public statement was premature and had prejudged the outcome of SWAPO's application (*WO 10.3.84*).



Herman Toivo ja Toivo greets his mother, Elizabeth Malima, after nearly two decades apart.

## IN THE WAR ZONES

Reports of deaths in detention, killings and assaults involving the South African armed forces, and general harassment of the population in the north have continued to emanate from church sources, politicians and inquests.

The evidence confirms the view expressed by an Anglican church delegation following its visit to Namibia in 1983. The six-member delegation, which included church representatives from Britain, the United States and Japan, concluded in its report published in March 1984 that 'the curfew operation in the north, the undoubted intimidation, the restriction of movement, the spreading of distrust through informers, the divisions in family life, the cases of abduction, torture and beatings, the total massive armed presence of the SADF, cause the community to live in a state of perpetual fear and repression' (*RDM 5.3.84*).

Several cases of assault and killings by the South African armed forces were made public by Hans Röhr, leader of the Namibia Christian Democratic Party, at a press conference in Windhoek in late February. A Tsumeb mine-worker, Josef WILLIBALD, was assaulted by camouflaged police while on his way to the Tsumeb Corporation's mining smelter on 14 October 1983. He was knocked down and loaded into a police van. A motorist later found him beaten 'to a pulp' next to the road and took him to hospital, where he died on 2 November.

Röhr also reported the death of Mr. MANDJARO from the village of Katara, after being beaten by soldiers until he was unconscious. He died after being taken to a mission hospital at Tandarra. The incident occurred in mid-February 1984.

Another civilian, Jacob NIKANOR, was reported to have been shot dead after being beaten by Koevoet. According to his family, Nikanor was asked for his identity card by a Koevoet patrol, who refused to accept that it was his and assaulted him. The same night, he was gunned down by machine-gun fire on his way home (*WO 25.2.84; RDM 1.3.84; WA 28.2.84; FOCUS 51 p.4*).



United Democratic Front officials Patrick Lekota (left) and Mohammed Vally (right) welcome ja Toivo following his release.

## OTHER PRISONERS TRANSFERRED

Four Namibian political prisoners were transferred from Robben Island to Windhoek Central Prison with Herman ja Toivo. Willibard SAKARIA was released with him. He had been sentenced to five years imprisonment in 1979, and had only another 19 days of his sentence to serve when he was released.

The other three prisoners, Willem BIWA, Lazarus GUITEB and Marius AMAGHULU (also known as Marius Melcheor or Marius Mavulu) are all due for release in 1984 or 1985. Amaghulu was sentenced in October 1976 to eight years imprisonment under the Terrorism Act. Guiteb, who was secretary of the Otjiwarongo branch of SWAPO, was tried in June 1977 on charges of assisting

SWAPO guerillas, and sentenced to eight years in July 1977. Biwa was convicted in November 1978 of harbouring and aiding SWAPO guerillas and sentenced to six years imprisonment.

Ja Toivo referred to 'about 38 to 40' Namibian prisoners still being on Robben Island (*RDM 2.3.84*).

Information compiled by the Council of Churches in Namibia, and reportedly confirmed by the South African Prison Services, lists seventeen Namibian prisoners as serving life sentences on Robben Island, as well as others serving fixed terms (*RDM 8.3.84; see list on p.10*).

## CONSCRIPTION CHALLENGE 'FAR-REACHING'

Legal experts in Namibia have described a case brought before the Windhoek Supreme Court in February this year as 'the strongest challenge to South Africa's legitimacy in Namibia' since the World Court ruled in 1971 that its occupation was illegal (WA 9.2.84).

The case is that of Erick BINGA (21), a member of SWAPO from Vaalgras, who is contesting the right of the South African authorities to conscript him into the South West Africa Territory Force (SWATF) for military service and is seeking to have his enlistment nullified (see FOCUS 48 p.8). After hearing arguments on points of law on 7 and 8 February, the Supreme Court adjourned the hearing indefinitely for judgement. There was speculation that a ruling might only be given after a month or two (WA/RDM 9.2.84).

Erick Binga was called up for two years' duty in November 1982 by the Keetmanshoop military headquarters of Sector 60. He was due to serve in the Second South African Infantry Battalion at Walvis Bay from January 1983 to January 1985. His father, Eduard Binga, brought the matter to the Supreme Court in June 1983 after an application for exemption for military service was turned down. The Judge President was asked to declare the call-up papers invalid, on the grounds that South African laws had been imposed illegally on Namibia and without

consulting Namibians themselves (FOCUS 48 p.8).

When the Supreme Court resumed its hearing on 8 February 1984, legal argument was put on Erick Binga's behalf by Ian Farlam SC, of the Cape Town Bar. His five hour statement before a packed courtroom rested on two main points:

- firstly, that South Africa was going beyond the terms of its mandate to administer Namibia in conscripting black Namibians for military service. Article Four of the mandate, awarded to South Africa on 17 December 1920 by the League of Nations, stipulated that 'military training of the natives, otherwise than for internal police and the local defence of the territory, shall be prohibited'. The court could rule that the requirements of the mandate still had currency, Farlam said, even though its termination in October 1966 by the UN General Assembly (Resolution 214) had invalidated South African rule in Namibia. 'The mandate constitutes, in fact, a bill of rights for the inhabitants of the Territory', Farlam said. 'Legislation which purports to take away the rights of the inhabitants is invalid' (WA 8.2.84).

Conscription under the terms of the South African Defence Act was extended to black Namibian men in October 1980, through the State President's Proclamation 198 of 1980 and Proclamation AG 149.

- secondly, that the South African government was also exceeding Article Four of the mandate in requiring Erick Binga to undergo

military training in Walvis Bay, which it itself regarded as part of South Africa (WA 8.2.84).

In a sworn statement in support of the application, Erick Binga said that he was a member of SWAPO and could not join a South African-controlled army. His eldest brother, Ismael Binga, was a member of SWAPO's military wing in Angola and he found it unacceptable that two brothers should be expected to fight each other in war.

As far as the Windhoek Supreme Court's own powers were concerned, Farlam argued that Section 59(2) of the South African Constitution Act did not apply to Namibia. The section stipulated that courts of law could not rule on the validity of acts passed by the South African legislature (WA 9.2.84).

The respondents in the case are the Administrator General of Namibia, the South African Minister of Defence and the Chairman of the SADF Exemption Board.

In adjourning the hearing until a date to be set for a ruling, Mr Justice Bekker stressed that the issues involved were so weighty, and had such vast ramifications, that the court could not come to a hasty decision. Lawyers said that should Erick Binga's application succeed, it would directly affect thousands of black Namibians conscripted into the South West Africa Territory Force (SWATF) since the end of 1980 and could also have a 'profound effect' on all laws passed by South Africa since the termination of the mandate (RDM 8/9.2.84).

## ANGER AT JOURNALIST'S TRIAL

The trial of political journalist Gwen LISTER, due to open before the Kempton Park Magistrates Court near Johannesburg on 7 May, has been described as an 'affront' by the United Nations Council for Namibia.

Gwen Lister, a senior staff member of the English-language weekly newspaper, the *Windhoek Observer*, is charged with importing, possessing and failing to declare a number of banned documents. The documents include a package of UN publicity material, distributed at the Paris Conference in Support of the Struggle of the People of Namibia, in April 1983. Lister was returning from covering this conference for her newspaper when she was detained and searched at Jan Smuts airport, Johannesburg (see FOCUS 48 p.8).

Many of the documents in her possession were banned following her return to Namibia. The charges, under the Customs and Excise Act, the Publications Control Board and the Internal Security Act, relate to 13 documents apparently already banned beforehand (WO 4.2.84).

Expressing the UN Council's 'indignation' at the forthcoming trial, its President, Ambassador Paul Lusaka, said that the South African government's actions demonstrated its disregard both for press freedom and the United Nations' direct responsibility for Namibia (RDM 23.2.84; WO 25.2.84).

### ALUN ROBERTS

British researcher Alun ROBERTS, arrested by the security police during a visit to Namibia, was deported by the South African authorities on 24 March. He had been detained under Proclamation AG9 since 29 February without access to lawyers, relatives or British consular officials, and without being charged with any offence.

Roberts, an acknowledged expert on multinational involvement in Namibia and particu-

larly the uranium mining operations of Rio Tinto-Zinc, was first arrested in Swakopmund on 22 February. He had earlier visited the nearby Rossing Mine on a trip for visitors. He was held in Windhoek prison for five days and released on bail on 27 February. On 29 February he appeared before the Windhoek Magistrates Court, charged with the unlawful use of a hired car.

The charges were dropped, but on leaving the court in the company of Anton Lubowski, a Windhoek advocate, Roberts was detained by members of the security police under Proclamation AG9. No explanation was given for his arrest.

On 9 March, the police said that they were hoping to 'complete their investigations' into the case 'next week', and that these concerned a matter of state security. South African press reports stated that Roberts had allegedly taken photographs during his visit to the Rossing mine and obtained a number of confidential reports (WA 1.3.84; BBC 10.3.84).

At a press conference in London Roberts, who is a British citizen, said that the police warrant officer at the Windhoek police station in charge of his case had told him that he could be charged and warned that he could receive 20 years imprisonment if he did not cooperate with information. On the day before his release, he was told that he would be charged under South Africa's Atomic Energy Act No. 90 of 1967.

At his press conference, Roberts described the close relationship that appeared to exist between the Windhoek police and security forces, and the management and security staff of the Rossing mine. He had been impressed by the well-organised character of the resistance movement inside Namibia, a structure which had provided information enabling him to identify a senior Rossing official apparently closely involved in his

arrest and detention (press conference in London, 26.3.84).

*The Rossing File*, a book written by Alun Roberts and detailing Rossing's operations and the uranium trade, is banned for possession in both South Africa and Namibia.

### RELEASES

Several people have been released from detention in Windhoek and two were immediately placed under restriction.

Marco HAUSIKU was released shortly before Christmas 1983. He had been under restriction at the time of his arrest in November 1983 (FOCUS 49 p.2, 51 p.4).

Gregor MAKGONE and Rahimiese KAHIMIESE, two employees of the Council of Churches in Namibia, were released on 25 January 1984. They had both been held in solitary confinement for four months, and had staged a week-long hunger strike in protest at their incarceration. Both were immediately restricted on release.

They may not leave their houses between 8pm and 6am, may not leave the municipal area of Windhoek without written permission from the police, and may not be in the company of more than five people at one time. The police carry out regular inspections of their houses. Kahimiese was also informed in a letter from the security police that he would not be allowed to teach evening classes in Katutura. Joseph UJAHU has also been released (WA 24.1.84, 16.2.84; WO 28.1.84).

Cosmos Malat MAKANGA, who had been arrested on 28 November 1983, was released (date unknown) and was subsequently re-arrested on 9 March 1984 and held for two days. He had been travelling with Abisai HAIMENE, who was also taken into custody, from Rundu to Grootfontein. The two men were held at Mururani checkpoint in Kavango (DD 12.3.84).

# TORTURE AND DEATH IN DETENTION

South  
Africa

Events during the early part of 1984 raised new concern for the health of people detained without trial. Another detainee died in detention in January and the following month a security policeman stood trial for the murder of a detainee who was killed in 1983. An inquest was opened into the death of a detainee in March 1983 and a former detainee sued the police for assault.

## POLICEMAN IMPRISONED FOR DEATH OF DETAINEE

The trial of security policeman Jan Harm van As for the murder of Molifi Paris Malatji was held in the Rand Supreme Court in February.

When van As was convicted of culpable homicide and sentenced to a 10 year jail term he was the first security policeman convicted in connection with the death of a detainee. However, as Malatji was not held under security legislation police did not count the case as a death in detention.

Molifi Paris Malatji was arrested on 4 July 1983 on suspicion of having ANC connections. Evidence from other detainees led the police to believe he had undergone or was about to undergo military training. In addition, police believed he had reproduced ANC pamphlets and they removed a typewriter from his home on the day of his arrest (*RDM 14.2.84*).

Malatji was arrested under Section 50 of the Criminal Procedure Act (CPA) under which most suspected criminals are held prior to being charged. Charges must be laid within 48 hours. Much of the controversy surrounding the case arose from the use of this Act for what was in fact a political detention. The court heard that his interrogation on the day of his death was to be conducted 'in the light of state security' (*CT 7.2.84*).

Malatji was shot dead at Protea police station the day after his arrest, when he was alone in a room being interrogated by van As. According to a code of regulations drawn up in November 1982 relating to the interrogation of detainees at least two policemen should have been present.

Another regulation forbids security policemen being armed during interrogation. Van As claimed ignorance of the regulations saying he had only been transferred to the security branch some six weeks previously.

Much of the trial was taken up with expert ballistics evidence. Van As claimed that Malatji committed suicide after grabbing the pistol from his holster while his back was turned. However, the judge rejected this story.

The court accepted evidence that Malatji was shot at point blank range through the forehead while in a kneeling position. The judge however, chose not to find van As guilty of murder as charged. Instead, he suggested that van As forced Malatji to kneel for interrogation and held a pistol to his head to intimidate him. Van As was found guilty of culpable homicide on the grounds that Malatji might have moved

in self defence when the pistol, its safety catch released, was levelled at his forehead. The shot then could have been fired inadvertently.

Following van As's conviction the prosecution gave notice of its intention to appeal against the lesser charge, arguing that he should have been found guilty of murder (*CT 22.2.84*).

There was a good deal of public discussion when details of Malatji's interrogation became known, at first because interrogation under the CPA was not regulated by the code of conduct introduced in December 1982 for interrogation under security legislation. Later, a member of the *Lawyers for Human Rights* group pointed out that interrogation under Section 50 of the CPA was quite unlawful. Section 50 suspects may make statements but not be cross-examined (*RDM 13.3.84*).

Malatji's parents instituted a civil claim against the Minister of Law and Order in January, claiming R51,000.

## DEATH IN VENDA

The death in detention of Samuel Mugivhela TSHIKHUDO on 20 January 1984 drew attention to two aspects of detention without trial: the secrecy which surrounds detentions, particularly in the bantustans, and the abuse and torture of detainees which continue in spite of protest.

Seven people were detained in early November 1983 in the Venda bantustan for allegedly harbouring guerillas. Two of them were named at the time as Robert RATSHITANGA and Alfred DENGGE. The names of the others, Ronald MAKHOMO, Petrus MUDZIELWANA, Samuel RADAMBA and Wilson SINYEGWA were only made known after the death of Tshikhudo. On 13 December an attorney acting for them was informed by the head of the Venda bantustan security forces that the men were in good health. He was refused access to them (*DD 25.1.84*).

Tshikhudo was admitted to hospital the day before his death. A telex from the commander of the bantustan force to Tshikhudo's attorney said that a doctor had diagnosed his illness as typhoid and/or diabetes. This information was later withdrawn.

The post mortem into the death of Tshikhudo was held on 26 January in Johannesburg with two doctors representing his family. They expressed the view that Tshikhudo would have been incoherent and obviously dying when admitted to hospital. They felt sure he had been 'dreadfully ill for days and days'. His eyes were 'deeply sunken and he was dehydrated'. The doctor at Tshilidzini hospital recorded that the patient was markedly dehydrated with a faint pulse and no blood pressure registered (*RDM 27.1.84*).

In February it was learned that Petrus Mudzielwana and Alfred Denga had been admitted to hospital. Denga had suffered a major loss of weight and was thought to have a kidney complaint. His wife saw him in hospital and hardly recognised him (*RDM 2/4.2.84*). On 22 February a hearing in the Venda Supreme Court succeeded in obtaining an undertaking from the bantustan authorities to release and

charge the remaining detainees by 24 February. They were seen by a doctor who reported that all had suffered severe weight loss (of over 27 kg in one case). Alfred Denge had tried to hang himself (*RDM 24.2.84*).

On 24 February Robert Ratshitanga and Petrus Mudzielwana were charged (*see POLITICAL TRIALS*). Wilson Sinyegwa and Alfred Denge were released from detention under Section 6 of the Terrorism Act and redetained under Section 12b of the Internal Security Act (ISA) which permits the detention of potential state witnesses. These two Acts are still in force in the Venda bantustan, although repealed elsewhere. Daniel Radamba was released without charge on 24 February. There was no mention in the press for some time of Ronald Makhomo but he is also thought to have been released (*Amnesty International 28.2.84*).

## TORTURE SETTLEMENT

During March there was a sequel to an earlier incident of brutality in the Venda bantustan. Three Lutheran clergymen detained between November 1981 and June 1982 were awarded damages and costs in an out of court settlement with the Venda National Force. Dean Simon Farisani, Rev. M.P. Phaswane and Rev. Phosiwa received a total of R13,500. They were detained at the same time as Tshifhiwa Isaac MUOFHE who was killed in detention in November 1981. They had claimed R20,000 each following assault and electric shock torture (*FOCUS 39 pp.7, 9, 40 pp.3, 5, 41 p.6, 42 p.12; S 5.3.84, RDM 6.3.84, 7.3.84; FOCUS 41 p.7*).

## MNDAWE INQUEST

Tembuyise Simon MNDAWE was allegedly found hanged in a cell at Nelspruit police station on 8 March 1983 two weeks after being detained as an alleged 'terrorist'. An inquest into his death began in February 1984; no conclusion was reported in the press. In evidence the acting district surgeon said Mndawe refused to undress or discuss any injuries when he examined him following his arrest. Dr. Viljoen said he assumed any external injuries could have been caused as a result of a 'scuffle' which police told him took place during the arrest. When asked by the defence for the family why he had failed to mention a broken cheekbone in his report, Dr. Viljoen said he probably had not noticed it. The state pathologist said it was unlikely the cheekbone was injured with a boot or shoe (*FOCUS 46 p.8; STAR 16.2.84*).

## POLICE SUED

Auret van Heerden, former president of the National Union of South African Students (NUSAS) sued ten policemen for alleged assault while he was detained between September 1981 and July 1982. Van Heerden stated he had spent over 10 hours with his wrist handcuffed to his ankle. He received electric shock treatment and feared strangulation (*RDM 22.2.84*).

**DETAINEES:** Additional to previous FOCUS lists

Approx. date	Place	Name (age)	Details (where known)
28.11.83	Ciskei	Moffat MANENTSA (41)	Member, SAAWU. Rel. 23.3.84
17.12.83	East London	Welile MANINJWA	East London Youth Congress. Sec 50, CPA
3.1.84	Durban	Nondile MATUTU (22)	Church worker. Sec 29, ISA
10.1.84	East London, then Pietermaritzburg	Allen BHUNGANI (26)	Former local gov't worker. Sec 29, ISA. Charged in February
11.1.84	Ciskei	Bukelwa MENYE	Bank worker. Rel. 20.1.84
24.1.84	Ciskei	M HEBE	Sec 26, NSA
24.1.84	Ciskei	S HANS	Sec 26, NSA
24.1.84	Ciskei	Chris NDABULA	Sec 26, NSA
27.1.84	Eldorado Park	Jessie MALULEKE	Member, Tvl Anti-President's Council committee
4.2.84	Ciskei	Caweni SOTYELELWA	Bantustan politician. In hospital late Feb.
11.2.84	Ciskei	Mvuyo MALGAS (19)	Third detention since Aug 1983
16.2.84	Soweto	Muzi NKWANYANA	Members, Khuvangano drama group and Soweto Youth Co-operative workshop. Rel. 19.2.84
16.2.84	Soweto	4 unnamed people	
16.2.84	Ciskei	Makhosonke DYANI	
16.2.84	Ciskei	Herman GIIJA (96)	Mgwali residents resisting removals. Rel. 19.2.84
16.2.84	Ciskei	S. FANTI	
16.2.84	Ciskei	F. GWIBA	
16.2.84	Ciskei	Mike GIJA	
16.2.84	Ciskei	F. KOSANI	Mgwali residents resisting removal to Ciskei bantustan. Rel. 22.2.84
16.2.84	Ciskei	Moto KOSANI	
16.2.84	Ciskei	Lizo KOTOPE	
16.2.84	Ciskei	F. NOJLANA	
17.2.84	Ciskei	Jack MADIKANE (55)	T.B. patient on leave from hospital
17.2.84	Ciskei	Mbuyiselo MAXATHI (23)	Home searched. Det. with Madikane
22.2.84	Ciskei	Moses TWEBE (60)	Previously det. July 1983-Jan 1984
23.2.84	Soweto	Thami MCEGWA	
23.2.84	Soweto	George NGWENYA	Ibhongo secondary school pupils. Sec. 50, ISA
23.2.84	Soweto	Stanley SIGOTYANE	
25.2.84		Zoyisile BEJA	
5.3.84	Ciskei	Joe MATI	E. London Youth Congress
9.3.84	Durban	Ntsephe THEMBINKOSI	SAIRR advice worker
9.3.84	Durban	Mshengu SHABALALA	Members, SAAWU. ISA
12.3.84	Ciskei	Malcolm QABAKA	Lawyer. Sec. 26, NSA
23.3.84	Soweto	Phondi DLODLO	Daughter died after det. 1982
29.3.84	King William's Town	Albert WITTELS (24)	Textile worker. Unconfirmed
30.3.84	Cradock	Mathew GONIWE	Youth and community activists,
30.3.84	Cradock	Mbululo GONIWE	following boycott at Cradock
30.3.84	Cradock	Fort CALATA	schools
1.4.84	Cradock	Madoda JACOB	

**ABBREVIATIONS**

**Organisations:** ACC, Alexandra Commuters Committee; AYCO, Alexandra Youth Congress; SAIRR, South African Institute of Race Relations.  
**Laws:** CPA, Criminal Procedure Act; ISA, Internal Security Act; NSA, National Security Act (Ciskei).

## DETENTIONS INCREASE

During 1983 there were 453 detentions according to the South African Institute of Race Relations (SAIRR), the Detainees Parents Support Committee (DPSC) and the Dependents Conference of the South African Council of Churches (SACC). This increase of seventy per cent over 1982, was attributed mainly to greater repression in the bantustan areas. By the end of February 323 detainees had been released and sixty remained in detention, 38 of them in the bantustans. The Minister of Law and Order stated that at the end of January 21 people were detained under Section 29 of the Internal Security Act, none of whom had been held for more than three months (*RDM 4.2.84, 9.3.84*).

**SCHOOL BOYCOTTS**

Three students from Ibhongo Secondary School in Soweto were detained on 23 February. Thami MCEGWA, George NGWENYA and Stanley SIGOTYANE were all held under Section 50 of the Internal Security Act which permits detention for fourteen days. Sigotyane was previously held under the same section in July 1983. Ibhongo was one of several schools affected by boycotts at the beginning of 1984. The main issues were the very high failure rate among black matriculation candidates, age restriction regulations which barred many older students from education, and effective

representation for students. Schools were boycotted in Pretoria, Johannesburg and the Eastern Cape. The worst violence occurred in Atteridgeville, Pretoria, where a 14 year old student was killed by a police vehicle (*S 5.1.84, 27.2.84; RDM 14.2.84; SNS 10.2.84*).

**RELEASES**

- Steve TSHWETE, president of the Border branch of the United Democratic Front (UDF) was released on 20 January after four months detention under Section 26 of the Ciskei National Security Act. After his release he was dismissed from his teaching post by the Ciskei bantustan education authority for 'reasons that may not be revealed' (*FOCUS 50 pp.5-6; DD 23.1.84, 9.2.84*).

- Moses TWEBE was also released from detention in the Ciskei bantustan on 20 January. He had been held since July and was admitted to hospital during his detention. A month later, on 22 February, Twebé was redetained at his home in Dimbaza. Two other Dimbaza residents were detained on 17 February: Jack MADIKANE (55) and Mbuyiselo MAXATHI (23) (*DD 25.1.84, 25.2.84*).

- More students were released from detention in the Ciskei bantustan in late December. Thando MALI, Wally KOMANISI and Xolani CINGO were all released on 30 December. Only Mali's detention had been reported in FOCUS (*see FOCUS 51 p.9*).

- Denzil Guga MBAMBO was detained from October 1983 until 24 February 1984 (*DD 25.1.84*).

The following people were detained in connection with the Alexandra bus boycott:

**20 January**

Nesto KGOPE (21) — Treasurer AYCO. Charged  
 Paul MOSHATILE (22) Pres. AYCO. Charged  
 Jacob MTSHALI — Sec. Gen. AYCO. Rel. 25.1.84

**23 January**

Patrick BANDA — Org. AYCO. Rel. 25.1.84  
 Obed BAPELA — Exec. AYCO. Rel. 25.1.84  
 Mike BEEA (41) — Chair. ACC. Charged  
 Mac LEKOTA (55) — Vice Ch. ACC. Charged  
 Naomi RIBA — Publicity Sec. AYCO. Rel.

**26 January**

Constance HLATSHWAYO — AYCO. Sec 50, CPA  
 Robert MHLAMBI — AYCO. Sec 50, CPA  
 Rev. Abel MOLELEKI — Rel. 27.1.84  
 Khanda VILAKAZI — AYCO. Sec 50, CPA

**Early February**

Two unnamed 17-year-olds — Held for 3 weeks then charged  
 Unnamed youth — Alleged intimidation

- On 21 March the Minister of Law and Order disclosed in Parliament that eight people detained in December under Section 29 of the

continued on p.1



## TRANSPORT STRUGGLES

Protests against the high cost and poor quality of transport continued during the first quarter of 1984. New moves were made in March to try to end the bus boycott in the Eastern Cape which had lasted for eight months, while the boycott of PUTCO buses launched in Alexandra in January was subject to severe repression. A boycott of the Inanda and KwaMashu routes in Durban, begun in December 1982, was still having an effect in January 1984.

The Alexandra protest began in response to a 12.5 per cent increase in fares introduced on 16 January 1984. An estimated 36,000 commuters travel daily the ten kilometres from Alexandra to central Johannesburg. On the first day of the boycott police baton-charged commuters. One person was shot and injured (SNS 25.1.84).

The boycott was organised by the Alexandra Commuters Committee (ACC), an *ad hoc* group formed by members of the Alexandra Youth Congress (AYCO), the Alexandra Civic Association and the Alexandra branches of COSAS (Congress of South African Students) and AZAPO (Azanian People's Organisation). Members of AYCO had been subject to police

harassment previously. Two of those detained during the boycott, Obed BAPELA and Khanda VILAKAZI, were held during 1983 in connection with the trial of Carl Niehaus (FOCUS 49 p.8, 50 p.5).

Police arrested or detained a number of the boycott's leaders (see current list of detainees). Some were released without charge while others were subsequently charged with intimidation. After a number of separate court appearances a total of 11 people were due to appear together on 8 May. These included the chairman and vice-chairman of the ACC, Mike BEEA and Mac LEKOTA. Also charged were two members of the AYCO executive: Paul MOSHATILE, the president, and Nesto KGOPE, the treasurer. The others charged were Lazarus TSHABALA (25), Emmanuel MAAKE (23), Solomon MOTSEPA, Johannes MAKOE, Ernest NDLOVU and Daniel SHIBAMBU (all aged 18 years) and an unnamed youth whose age was variously estimated to be 14 or 16 years. All the accused were granted bail (Cit 26.1.84; 11.2.84, 14.3.84; S 27/30.1.84, 14.3.84; Star 24.2.84).

A number of other tactics were tried by the police in order to break the boycott. Road blocks were set up at all the entrances to Alexandra, vehicles were examined and people ejected from taxis and cars considered defective and forced onto buses. Many taxi drivers were held for overloading or lacking fire extinguishers. At the end of the day's operation only 15 out of Alexandra's fleet of 56 registered taxis were still able to oper-

ate. Taxi drivers had been supportive of the boycott from the beginning, lowering their fares in solidarity with the action (RDM 18.1.84; S/Star 1.2.84).

After a month the boycott was called off at a mass meeting of Alexandra residents because the 'harassment and intimidation of commuters, and the clampdown on taxis' had created a dangerous situation. The ACC launched a petition to disprove claims that there was no support for the boycott. By 12 February they had collected 7,000 towards a desired 40,000 signatures (RDM 14.2.84).

### CTC BOYCOTT

The boycott of the Ciskei Transport Corporation buses by the residents of Mdantsane continued. Negotiations for selling the company were reported to be in progress — in one case with Herbert Jekwa, a Mdantsane businessman, who was himself detained between August and October 1983 (FOCUS 49 p.9, 50 p.4).

In early March the Committee of Ten, representing commuters, put fifteen demands to the company. Later that month, the CTC threatened to retrench 240 more workers if the boycott was not ended by 1 April 1984. Three hundred jobs had already been retrenched by the CTC. At the same time the Institute for Planning Research at the University of Port Elizabeth began a project to look at the causes of the boycott and to ascertain the 'best possible ways of ending it' (DD 10/14/17/20/22.3.84).

See also POLITICAL TRIALS.

## PASS LAW CONVICTIONS INCREASE

Within days of announcing figures showing that convictions under the pass laws increased sharply during 1983, the government tabled a bill in parliament which, if passed, will tighten the system of influx control to an even greater extent.

Every year the government gives figures for convictions under the pass laws during the previous year in the main urban areas of South Africa. As the table below shows, there has been a very large increase over the last two years. There were almost twice as many convictions during 1983 as there were during 1981. In the Pretoria-Witwatersrand area, where over 90 percent of the reported convictions occurred in 1983, the number more than doubled (from 58,789 in 1981, to 81,658 in 1982 and 130,172 in 1983). On the East Rand, which alone accounted for well over a third of all convictions during 1983, there has been a threefold increase since 1981.

While the causes of the increases vary to some extent from area to area, three factors in particular were important.

- **Recession** Migrant workers face prosecution if, after losing their jobs, they remain in an urban area outside a bantustan. Economic recession over the past two years has led to a rising number of retrenchments of workers, increasing the number of unemployed people illegally in the main urban areas.

- **Drought** The severe drought which South Africa experienced during 1982 and 1983 contributed to the recession. More seriously it helped bring about the virtual collapse of the already inadequate subsistence agriculture from which the low pay of migrant workers is supplemented (FOCUS 47 p.2). One consequence has been that a large number of people

have moved to towns and cities in defiance of influx control (Argus 18.10.83).

- **Urban removal and relocation** As reported in successive issues of FOCUS, the government's policies for the control of the African population have involved large-scale destruction of unauthorised accommodation ('squatter' dwellings and 'shacks'). A large proportion of pass law convictions were in areas where the actions against squatters occurred (see FOCUS 51 p.10 and REVIEW: REMOVALS in this issue).

### NEW LEGISLATION

These developments provided the context both for the sharp increase in arrests and convictions and for the government's announcement in November 1983 of its plans, as a matter of the highest priority, to intensify influx control. The *Aliens and Immigration Laws Amendment Bill*, tabled in Parliament early in May, will, if passed, give the regime considerable powers to pursue its aims.

The bill embodies some of the powers proposed in the *Orderly Movement and Settlement of Black Persons Bill* which, in the face of widespread protest, had been referred to a Parliamentary Select Committee (FOCUS 45, p.7). The new bill, with its increased

penalties and tighter restrictions, will have the most severe effects on Africans from those bantustans on which the status of 'independent' has been imposed. In law, all those people declared by the government to be citizens of these bantustans, are aliens.

- All those affected will have to furnish proof 'then and there' of having permits or exemptions from permits. The penalty would be up to six months in prison or a fine of up to R600.

- There is a penalty proposed of up to two years in prison or a fine of up to R5,000, for anyone who enters into any of the following relationships with a 'permitless alien': employment, harbouring, making available any fixed property, making any agreement for the conduct of any business, profession or occupation.

- Employers must supply a register of 'alien' employees. The penalty for giving wrong information would be a fine of up to R10,000.

During the parliamentary debate on the bill, government spokesmen repeatedly denied that it would be used against people from the bantustans as a means of influx control. They have said that it is only aimed at 'aliens and immigrants in the traditional sense'. Neither anti-government groups nor the English-language press have been convinced by the denials (RDM 20/21/24.3.84).

### PASS LAW CONVICTIONS IN MAIN URBAN AREAS

	1981	1982	1983
Pretoria	6,996	7,666	13,976
Johannesburg	20,265	29,940	37,562
Durban	509	259	2,532
East London	1,480	1,487	1,654
Port Elizabeth	42	272	867
Cape Peninsula	10,178	9,393	3,209
Bloemfontein	4,178	5,639	3,651
West Rand	13,480	17,086	23,180
East Rand	18,048	26,966	55,454
TOTAL	75,176	98,708	142,067

The figures are based on those given by the Minister of Cooperation and Development in Parliament. Sources: Debates 24.5.83; S 6.3.84; DD 15.2.84; RDM 5.3.84.

# POLITICAL TRIALS

## CONVICTIONS, ACQUITTALS AND APPEALS

### CHARLES AND RADEBE

Two musicians, Joseph CHARLES (24) and Rufus RADEBE (19) have had their sentences reduced after appealing. They were both sentenced in the Johannesburg Regional Court on 2 June 1983 to four years imprisonment for singing 'revolutionary songs'.

The sentences were reduced to 17 months, eight and half of which were suspended for five years. Pretoria Supreme Court judges accepted that the trial magistrate had over-emphasised the seriousness of the musicians' interest in promoting the ANC (*Star* 22.2.84; see *FOCUS* 47 p.5).

### DUNA AND OTHERS

The long-running trial of William DUNA (31), Dumisani MANINJWA (34), Jeffrey Bayi KEYE (52) and Luyanda MAYEKISO (33) in the Ciskei Supreme Court has been postponed to 13 August for the hearing of pleas in mitigation. Duna, Maninjwa and Mayekiso were found guilty on the main charge of participating in 'terrorist activities' and of being members of the ANC. Keye was found not guilty on the 'terrorism' charge but guilty of participating in ANC activities.

On the charge of possession of banned literature, Maninjwa was found guilty and the others not guilty.

The trial was postponed to the August date, because the judge was going away on a long holiday. The judge said the long delay would not prejudice the accused as the time they had spent in detention would be taken into consideration in the sentences. The four were arrested in August 1981 and by the time sentence is passed they will have been held for three years (*Cit/DD* 14.2.84; see *FOCUS* 37 p.3, 38 p.3, 44 p.6, 45 p.6, 48 p.7, 49 p.6, 50 p.2).

### SMANGALISO MKHATSHWA

On 8 March Father Smangalis MKHATSHWA, a Catholic priest and General Secretary of the Southern African Catholic Bishops' Conference, was acquitted in the Zwelitsha Regional Court of charges under the Ciskei National Security Act.

Fr. Mkhathswa was detained on 30 October 1983 and was charged on 10 February with subversion, incitement to public violence and addressing an unlawful gathering.

The charges relate to his attendance last October at a church service at Fort Hare University held in sympathy with students killed at the University of Zululand by members of Inkatha, the organisation led by Chief Gatsha Buthelezi, the chief minister of the KwaZulu bantustan.

The State's case collapsed when a key witness, Nako MOSALA, a former student, changed his testimony and said Fr. Mkhathswa had appealed to students to remain calm and not to resort to violence.

Mosala asked the court to disregard an earlier statement which, he said, had been

extracted from him when he was naked and under extreme duress. The magistrate ruled that Mosala's statement was not admissible as evidence and found that the State had failed to prove a *prima facie* case on any of the three charges.

After giving evidence Mosala was at once redetained by Ciskei security police and has subsequently been released on R500 bail. He is due to appear in court on 17 April on a charge of perjury (*DD* 8.3.84; *CT/DD/S* 9.3.84; *GN* 10.3.84; see *FOCUS* 50 pp.5-6).

### MUDZIELWANA; RATSHITANGA

Two separate trials in the Venda bantustan area have seen, in the one case, the first conviction for high treason in the bantustan and in the second, the bantustan's most prominent poet facing charges under the Terrorism Act.

In the first trial a subsistence farmer, Petrus MUDZIELWANA (46), was sentenced on 6 March to an effective eight months' imprisonment (four years and four months of a five year sentence suspended) in the Thohoyandou Supreme Court. He was sentenced for giving food to guerillas.

In the other case, Robert RATSHITANGA faces charges under the Terrorism Act — which is still in force in the Venda area — of harbouring guerillas. When he appeared in the Sibasa Regional Court on 7 March one witness only, a former detainee turned state witness, was summoned to testify for the state and at the end of the trial the magistrate reserved judgement. No date was given for the judgement and Ratshitanga remains in custody pending the verdict (*RDM* 9.3.84; *ST* 11.3.84).

Ratshitanga and Mudzielwana were detained in November 1983 with five others (see *FOCUS* 50 p.5, 51 p.9). One of these, Samuel TSHIKHUDO, the brother-in-law of Mudzielwana, died in detention on 20 January (see *FOCUS* 51 p.8 and *DETENTIONS* in this issue).

### THEMBINKOSI NGCOBO

A man arrested in October 1983 while allegedly carrying a powerful demolition mine near to where the Prime Minister, P.W. Botha, was addressing a referendum meeting, was sentenced on 15 March to 20 years imprisonment.

Thembinkosi Paulson NGCOBO appeared in the Pietermaritzburg Supreme Court. He pleaded guilty to seven charges relating to three explosions, three attempted bombings and the establishment of an arms cache. The blasts took place in 1983 at the College Road Supreme Court (where he was tried), at the administration board offices in Sobantu Village and at an electricity pylon in Pietermaritzburg.

The sentences for the seven charges totalled 100 years imprisonment but as they are to run concurrently the effective sentence is 20 years. In giving his judgement, the judge said he did not expect the sentence to act as a deterrent as even the death sentence for similar offences had

not brought them to an end (*RDM/S* 16.3.8; see *FOCUS* 51 p.7).

### THOMSON RAMANALA

The case of Thomson RAMANALA (25) was reported in *FOCUS* 50 (p.3). He was charged with being in possession of undesirable publications and furthering the aims of the ANC. According to the State he had been in possession of a postcard-size document that had photographs of Oliver Tambo, the President of the ANC, and Yusuf Dadoo, the late National Chairman of the South African Communist Party, on the one side and two speeches by them on the other side. He pleaded guilty to this charge.

Ramanala was found guilty of this charge when he appeared in the Pretoria Regional Court on 30 January. No report of the sentencing, which was supposed to take place on 31 January, has been reported in the press (*Cit* 31.1.84).

### SISULU AND MALI

United Democratic Front leader, Albertine SISULU (66), was sentenced to four years imprisonment — two years suspended for five years — on 24 February in the Krugersdorp Regional Court.

Thami MALI (25), a schoolteacher, was sentenced to five years imprisonment in the same trial.

Both were charged with 'furthering the aims of the ANC', to which they pleaded not guilty. The case arose out of the attendance by the two at a funeral at which they were alleged to have sung 'ANC songs', distributed pamphlets and stickers, displayed the 'ANC flag', praised the ANC and draped the deceased person's coffin with an ANC flag.

Notices of appeal were given at the time of sentence but an initial bail application was refused. This was later overturned by the Pretoria Supreme Court following an urgent application by their lawyers. Sisulu and Mali were released on R1,000 and R2,000 bail respectively on 27 February pending the appeal (*CT/RDM* 25.2.84; *RDM/S* 27.2.84; *CT/RDM/S* 28.2.84; see *FOCUS* 49 p.7, 50 p.3).

### DIETER AND RUTH GERHARDT

On 20 February Dieter GERHARDT and Ruth GERHARDT (41) were refused leave to appeal by the Cape Town Supreme Court against their conviction and sentence.

The couple have now petitioned the Chief Justice for permission to appeal against their conviction and sentences. In terms of the Criminal Procedure Act, a convicted person whose application for leave to appeal has been refused by the trial judge may, within 21 days of such refusal, petition the Chief Justice. The appeals are to be made separately.

The Gerhards were sentenced on 31 December for spying for the Soviet Union (*RDM* 21.2.84; *CT/DD* 6.3.84; see *FOCUS* 51 p.6).

## CONTINUING TRIALS

### HINA AND OTHERS

The trial of 11 men charged with treason continues in the Grahamstown Supreme Court there.

The 11 who are alleged to have conspired in an attempt to overthrow the state are Rufus

NZO (24), Douglas TYUTYU (48), Sipho HINA (44), James NGQONDELA (54), Mhazayifani KHAME (57), Mzimkhulu KHAME (22), Sipho NODLAWU (35), Vukile TSHIWULA (43), Lindile MBELEKANA (27), Wellington GUMENGE (29) and Nceba FAKU (27).

They are all charged with high treason, with alternative charges relating to the contravention of the Terrorism Act and an alternative charge of sabotage; illegal possession of banned publications; illegal possession of arms and ammunition; illegal possession of explosives; murder; nine counts of malicious damage to



property; four counts of attempted murder.

The 11 are alleged to have placed explosive devices in a shopping centre in Port Elizabeth in 1981, in the New Law Courts in the city in 1982, in community council offices in 1983 and on a railway line between Port Elizabeth and Uitenhage in 1983. They are also charged with the 'execution' of the wife of one of the accused, Vukile Tshiwula; of transporting into the country limpet mines, hand grenades, detonators, plastic explosives, assault rifles and ammunition; possession of a wide range of ANC literature for distribution; liaising with the ANC in Lesotho; attempting to undergo military training; and with harbouring guerillas (*DD 23.2.84, 6/7/8/9/10/15.3.84; see FOCUS 49 p.6, 51 p.6*).

#### KABA AND DAZELA

Stanley KABA (52) and Mthetheli Stanley DAZELA (32) appeared again in the Zwellitsha Magistrates Court on 24 January on charges under the Ciskei National Security Act. They have been charged with persuading people to

undergo military training outside South Africa and with attempting to commit acts of violence.

They were not asked to plead and no evidence was led. The case was postponed to 14 February (*Cit 25.1.84; see FOCUS 50 p. 5, 51 p. 6*).

#### GQUBULE, MAHLOBO, MARTINS

Three men, Duma GQUBULE (19), Anthony Duke MARTINS (27) and Sithabiso Edgar MAHLOBO (25), appeared in the Pietermaritzburg Magistrates Court on 9 March on a charge of high treason and 10 other charges relating to the security of the state.

It is alleged that Mahlobo became an active member of the ANC before 1980 and received military training in Angola. He returned to South Africa in February 1983 where he met and stayed with Gqubule. A trunk containing arms and explosives was given to Martins to conceal. In March and April 1983 Mahlobo and Martins took some of the explosives and detonated them at the Pietermaritzburg Supreme

Court building and at the old Supreme Court building.

It is further alleged that Martins transported and arranged for people to go to Lesotho to join the ANC.

When the accused entered the courtroom they were chained in leg-irons. They were not asked to plead and were remanded in custody until 2 May when they are due to appear in the Pietermaritzburg Supreme Court (*DN 10.3.84*).

#### MOKOKA AND DAU

On 30 January Khomotse Gabriel MOKOKA (27) and Ramaano Gerald DAU (28) appeared in the Pretoria Regional Court. The two are members of the South African Allied Workers' Union and have been charged with furthering the aims of the ANC and possession of banned literature.

At this second appearance they were not asked to plead and the case was postponed to 8 March (*Cit 31.1.84; see FOCUS 50 p. 2*).

## OTHER TRIALS

### STUDENTS

A number of trials have been taking place in Pretoria as a result of the school boycotts in this area since the beginning of the year. Other trials of students are those which have arisen out of protests at black universities.

- Sixteen pupils from various high schools in Atteridgeville, a Pretoria township, have appeared several times in court to face charges of public violence.

In the first trial on 16 February 10 of the 16 appeared but were not asked to plead and were released into the custody of their parents. On 1 March the 10 were joined by another six. Again they were not asked to plead and were released into the custody of their parents.

The 16 were arrested on 13 February following disturbances at a school where a pupil was killed by the police. The school was subsequently closed indefinitely (*S 17.2.84, 1.3.84*).

- Four University of the North students charged with arson, public violence, house-breaking with intent to steal and theft, were acquitted by the Pietersburg Regional Court on 17 January.

The four are Ian PETJE (21), Eric HLABAHLABA (22), Mangalani HLONGWANE (22) and Rhulani MAHLABA (22). Judgement in respect of a fifth accused, George KGOBE (23), was due to be given on 10 February.

Their acquittal came after the State had closed its case and the court found that no evidence led by the witnesses implicated the students.

The case arose out of the burning of the campus bookshop in May 1982. The only evidence against the four acquitted was that on the night the bookshop was burnt they were seen in the vicinity of the fire carrying books (*S 18.1.84; see FOCUS 45 p.5, 48 p.7, 51 p.7*).

- Twenty five Fort Hare University students pleaded not guilty to public violence charges when they appeared in the Zwellitsha Regional Court on 31 January.

They are alleged to have assembled on the campus in September 1983 with a common purpose of forcibly and seriously disturbing the peace and security of others by marching at the campus and creating a 'riot', damaging windows with sticks and stones, carrying placards, singing freedom songs and stoning the police.

The trial was postponed on 2 February to 19 March as some of the students were due to write their examinations (*DD 1/3.2.84*).

Two of the original 25 appeared separately on 3 February after they failed to appear at the start of the trial. They are Pumela BAARTMAN and Jerry REKHOTSO. They were not asked to plead and no evidence was led (*DD 4.2.84*).

- Forty former pupils of a secondary school in Atteridgeville appeared in the Pretoria Regional Court on 17 January to face four charges of public violence and malicious damage to property.

The students, who pleaded not guilty to all the charges, are alleged to have attacked a number of teachers. They are also alleged to have attacked the homes of the teachers.

The case was postponed to 19 March (*S 18.1.84*).

### WORKERS AND TRADE UNIONISTS

The State continues its repression of workers and trade unionists. A number of prominent unionists have been charged with holding illegal gatherings when they attempted to settle disputes between workers and managements.

- An official of the Paper, Wood and Allied Workers' Union, Jeremy BASKIN, made a brief appearance in the Johannesburg Regional Court on 13 March charged with calling an illegal strike.

His appearance follows a strike on 9 March at a factory where workers came out following the sacking of workers belonging to the union. He was not asked to plead and the case was postponed to 11 April (*RDM 10.3.84; Star 14.3.84*).

- The chief shop steward of the Commercial, Catering and Allied Workers' Union at a large Johannesburg hotel, Robert MKHIZE, appeared in the Johannesburg Magistrates Court on 22 March on charges under the Intimidation Act. No evidence was led and the case was postponed to 28 March.

Mkhize was arrested following several work stoppages at the hotel. The stoppages occurred because the manager called in the police during a dispute. Due to disciplinary action by the company owning the hotel, however, the manager had resigned (*RDM 10/24.3.84*).

- 'Skakes' SIKHAKANE was released from

custody on R500 bail after he appeared in the Potchefstroom Magistrates Court on 24 February.

He was arrested on 23 February after going to a Potchefstroom factory in an attempt to settle a dispute. He was held under the Internal Security Act for allegedly holding an illegal meeting.

Sikhakane is the general secretary of the Food and Beverage Workers' Union. About 26 workers were also held by the police and were due to appear in court in the middle of March.

The International Confederation of Free Trade Unions has expressed its concern over the arrest and trial of Sikhakane by sending a telegram to the government (*RDM 24/25.2.84; S 2.3.84*).

### CISKEI

The trials reported below are two which have been reported in the press and arise out of the Ciskei bus boycott which began in July last year.

- An arson case involving two men and two 17 year old youths was due to be heard in the Mdantsane Regional Court on 24 April.

Facing seven counts of arson are Mvuyo MALGAS (19), Mthuthuzeli HINTSA (18), Landile JONGILE and Tololo GEORGE. They were not asked to plead and no evidence was led when they appeared in the Mdantsane Magistrates Court on 24 February.

Malgas was redetained twice while out on bail shortly after being released from a previous period in detention from August to October 1983. During this previous detention he suffered severe injuries while being held at the Sisa Dukushe football stadium where many detainees were held during the height of the Ciskei bus boycott (*DD 5.1.84, 25.2.84*).

- Two men charged with kidnapping 16 people aboard an East London municipal bus during the Ciskei bus boycott last year, appeared in the East London Magistrates Court on 2 February.

The state alleges that Dewitnel DYANI (23) and Vumile RAYISE (20) unlawfully deprived 16 people of their liberty in November 1983 by forcibly taking control of the bus in which they were travelling.

The accused were not asked to plead and no evidence was led. The case was postponed to 6 March. Dyani was remanded in custody and Rayise had bail of R600 extended (*DD 3.2.84*).

# PRISONS

## RELEASES

Two well-known ANC prisoners were released from prison in March and February after serving 15 and 20 year jail sentences. They are Dorothy NYEMBE (54) and Billy NAIR (54).

Dorothy Nyembe was released in Durban on 23 March — three days early — after serving 15 years in prison. This is the longest period served by any woman political prisoner in South Africa. She was arrested with 11 others in 1968 and in February 1969 charged in Pietermaritzburg under the Terrorism Act and the Suppression of Communism Act, with harbouring guerrillas. She was sentenced on 26 March 1969.

She served her sentence in Barberton, Kroonstad, Potchefstroom and finally in Pretoria Central. In 1980 she was charged with disobeying prison orders and going on hunger strike with three other women political prisoners.

Billy Nair was released on 27 February after serving a sentence of 20 years. He was tried with 18 others in the Pietermaritzburg Supreme Court in February 1964. With the others he was charged with having committed 27 acts of sabotage in Natal during 1962 and 1963, possessing explosives and recruiting people for military training. During the trial Nair went on hunger strike when his defence counsel was refused permission to attend the proceedings.

Nair was a leading member of the Natal Indian Congress, secretary of the Natal branch of SACTU and former secretary of the Durban Clothing Workers Union (*RDM 28.2.84, 24.3.84*).

Another release from prison recorded in the press was that of Father Timothy STANTON (62). He was released on 7 March after serving six months in prison for refusing to answer questions in the investigation of Carl Niehaus (see *FOCUS 50 p.2 for Niehaus trial*).

Fr. Stanton was convicted under the Internal Security Act on 7 September, a former political prisoner who was released in December 1983, David Rabkin, told of how Fr. Stanton had been brought to the high-security isolation section of Pretoria Prison in leg-iron (*RSM 9.3.84; see FOCUS 49 p.6, 51 p.11*).

## FATE OF RELEASED PRISONERS

Release from prison has not brought freedom to many former political prisoners, but rather a 'life sentence' of social stigma, political isolation and employment and housing problems (*S. Trib. 20.11.83*).

The conditions of many former political prisoners living in the Ciskei bantustan became known when several were evicted from their homes by the Ciskei authorities. The prisoners, many of whom are not from the Ciskei area, were banished there and given rent-free accommodation. The Ciskei authorities are now attempting not only to extract the current rent but also all the rent that should have been paid over the years.

Ongoing visits by the security police to their homes and places of employment have led to people being sacked from their jobs.

There are over 100 former political prisoners in the Ciskei township of Mdantsane. Other reports have indicated that many others have been 'sent' to the Lebowa and Bophuthatswana bantustan areas. In one case a former prisoner had to beg for food for several months as he was unable to get a job.

Most of the former prisoners are people who were sentenced in the sabotage trials of the early sixties. After completing their sentences they were banished to remote areas so that their political influence would be minimised. This policy has now ceased as it has often proved counterproductive — the political consciousness of people in these areas has often been raised by the presence of the former prisoners (*DD 15.10.83; S Trib 20.11.83, SASPU National Dec 83; DD 1.3.84*).

That many former political prisoners living in the eastern Cape have not been deterred from engaging in political activity by previous periods spent in prison is evidenced by the fact that a number of them have appeared in court again and face further long prison sentences.

Three of the 11 accused in the Grahams-town high treason trial (see *HINA AND OTHERS in POLITICAL TRIALS in this issue*), Sipho HINA (44), Douglas TYUTYU (48) and Nceba FAKU (27), are known to be former political prisoners. Another is Stanley 'Bob' KABA who was charged under the Ciskei National Security Act with persuading people to undergo military training outside South Africa and with attempting to 'commit acts of violence'. Moses TWEBE (64), who was jailed from 1963-69 for ANC activities, was detained in July 1983 and badly tortured by Ciskei police. He was hospitalised and his wife obtained an interdict restraining the police from assaulting him. He was released in January but redetained in February with two others. The President of the Border Region of the United Democratic Front, Steve TSHWETE, who was released from prison on Robben Island in 1979 after serving 15 years for ANC activities, was detained in the Ciskei in September 1983. He was released on 20 February but was immediately dismissed from his teaching post by the Ciskei education authorities (*DD 23.1.84, 9.2.84*).

## POLITICAL PRISONERS SERVING LIFE SENTENCES

The names are grouped according to the trials in which the life sentences were imposed.

June 63	CHIBANE, Samuel (40) MTHIMUNYE, Isaac (41) TEFU, Philemon (43)	PAC members charged with inciting others to attack government installations, stealing bombs from government arsenal, and sabotage.
June 63	MASEMOLA, Jeff (53) NKOSI, John (39)	PAC members charged with 13 others with conspiracy to commit sabotage.
June 63	MALEPE, Dimake (39)	PAC: conspiring to attack white teachers at an African training institute.
12.6.64	GOLDBERG, Denis (51) KATHRADA, Ahmed (55) MANDELA, Nelson Rolihlahla (65) MBEKI, Govan (74) MHLABA, Raymond (64) MLANGENI, Andrew (58) MOTSOLEDI, Elias (58) SISULU, Walter (72)	'Rivonia Trial' of ANC leaders Oct 63 — June 64: all charged with campaigning to overthrow the government by violent revolution and assisting in the armed invasion of South Africa by foreign troops, in their alleged capacity as members of the High Command of Umkhonto we Sizwe.
18.12.64	MKWAYI, Wilton Zimasile (61)	ANC: furthering the aims of communism and conspiring to bring about revolution.
9.2.68	HALUTENI, Abel KADHIKWA, Rudolph KAMATI, Petrus KANYELE, Matheus Elia NAMBINGA, Rehabeam Olavi NANKUDHU, Johannes Otto NUNJANGO, Betuel SHIFIDI, Immanuel Augustus SHIHUNGILENI, Simeon K SHILONGO, Julius Israel SHIPONENI, Johannes Samuel TJIPAHURA, Kaleb Hanganee TUHADALENI, Elizar USHONA, Malakia Shivute	37 SWAPO members were flown secretly to Pretoria, where they were charged under the South African Terrorism Act with conspiring to incite revolution and armed resistance to the administration in Namibia, receiving military training, encouraging others to do so and entering Namibia armed to create violent revolution. The UN condemned the trial as a violation of Namibia's international status. Moses was sentenced last, due to illness which prevented him from attending part of the trial.
10.4.68	MOSES, Michael Ifingilwa	
20.8.69	MESSACH, Victory SHIKOMBA, Gaus	Charged, with six other SWAPO members, with undergoing military training abroad and entering Namibia with 96 others to create revolution.
25.7.77	GWALA, Themba Harry (62) MDLALOSE, Zakhele (58) MEYIWA, Matthews (59) NENE, John Vusimusi (39) XABA, Ndoda Anthony (49)	Charged with membership of the ANC, recruiting for military or political training and attempting to overthrow the government by force.
20.11.80	LUBISI, Ncimbithi Johnson (30) MANANA, Naphtali (28) MASHIGO, Petrus Tsepo (24)	Charged with being active members of the ANC, receiving military training abroad, sabotage, and an armed attack on a police station. Death sentences were imposed but commuted to life imprisonment in June 1982.
19.8.81	MOISE, David (28) SHABANGU, Johannes (29) TSOTSOBE, Anthony Bobby (28)	Members of ANC charged with carrying out attacks on a police station and on a Sasol oil-from-coal plant. Death sentences were imposed, but commuted to life imprisonment in June 1983.
31.12.83	GERHARDT, Dieter Felix (48)	Charged with spying for the Soviet Union.

## REVIEW: FORCED REMOVALS

The government continued during the first months of 1984 to forcibly remove African communities to the bantustan areas, despite assurances in 1983 that it would refrain from doing so as far as was 'practicable and possible'. Violence and the threat of violence remained the only methods of removing people in the face of organised resistance: the tactic of pressurising people to move 'voluntarily' appears to have failed.

The use of force was particularly evident in the case of 'black spots' (African-owned land in areas designated 'white') and in attempts to eliminate informal 'squatter' settlements in 'white' urban areas. Reducing the number of Africans living in urban areas outside the bantustans to the level required by white-owned economic enterprise remained a priority. Alongside the programme of forced removals and the constant demolition of 'shack' housing, the government continued to use the pass laws to force 'illegal' Africans out of the cities. This was reflected in increased convictions under the pass laws and steps to tighten influx control (see *INCREASED PASS LAW ARRESTS*).

### 'BLACK SPOTS'

Attention was focussed on removals in February when over 100 families from the village of Magopa in the Western Transvaal were transported to Pachsdraai, a resettlement area due to be incorporated into Bophuthatswana. In an operation involving scores of policemen, the village was sealed off from all outsiders including the press, and reportedly designated an 'operational area'. The police claimed that villagers moved voluntarily, but villagers later denied this. Some told of police violence. Magopa was due for removal last November but was given a last-minute reprieve following international publicity. Its removal finally came after an appeal by a group of villagers was turned down in the Pretoria Supreme Court.

Magopa was a long established settlement on land bought before the 1913 Land Act effectively made the purchase of land outside the 'reserves' by Africans illegal. The land offered a reasonable means of subsistence for a sizeable section of the community. In contrast, the land at Pachsdraai is poor and most villagers will be forced to become migrant labourers (*BBC 16.2.84; S 17.2.84*).

Many other communities live under the constant threat of removal and suffer harassment when they organise to defend themselves. Embuleni, near Badplaas in the Eastern Transvaal, has been scheduled for removal since 1932, in terms of the Black (Urban Areas) Consolidation Act, under which it was prescribed as an urban area, but not proclaimed for residence by Africans. The deadline for removal of the 3,000 residents came and went in January, and the future of the community is unknown (*S 13.1.84*).

The Ciskei bantustan authorities have for some time been participating in the regime's plan to move the 7,000 residents of Mgwali, a 'black spot' in the corridor between the Ciskei and Transkei bantustan areas, to Frankfort in the Ciskei. The area is administered by the Ciskei authorities. In 1981 a Planning Committee was formed to administer the removal, under the orders of the bantustan's president, Lennox Sebe. In 1983 the Mgwali Residents' Association (MRA), formed to resist removal, complained that drought relief in the area was being given only to those who did not oppose the move. The MRA has been subjected to constant harassment by both Ciskei and South

African security police. In February this year nine members of the MRA were arrested by Ciskei police and detained for several days (*Sash, Vol 26, No 3, November 1983; Argus 19.1.84; DD 15.3.84*).

In an earlier instance of violent repression of resistance to removal, Saul Mkhize, a community leader in Driefontein in the south-eastern Transvaal, was shot dead by a policeman in April last year. Mkhize had led resistance to the forced removal of the people of Driefontein to the KwaZulu and KaNgwane bantustans. A policeman charged in connection with the killing was acquitted of murder in April this year (*GN 3.4.84; see FOCUS 47 p.2; 50 p.6*).

### TOWNSHIPS

Alternative ways of forcing people to move 'voluntarily' have also been used. The 14,000 inhabitants of Huhudi, a black township in Vryburg in the northern Cape, were scheduled for removal to Pudemong in the Bophuthatswana bantustan in 1970. The aim was to make Vryburg a 'white' town: Africans removed from the town would then commute to it to work. All development in the township has ceased. Early in 1984 the Northern Cape Administration Board confirmed that it would remove a large section of the township, without stating when this would take place. The Huhudi Civic Association, opposing the removal, claimed that residents were being pressurised to move through increased rents and a freeze on house-building (*Star 13.2.84*).

In a parallel scheme in the eastern Cape, the regime plans to remove the African inhabitants of Duncan Village township in East London, to Mdantsane, in the Ciskei bantustan. From there they would be expected to commute to work in East London. East London would then have no permanent African residents. Following several statements about the precise area affected, the decision to 'disestablish' Duncan Village and remove all 12,858 inhabitants was announced as final in March.

Meanwhile, during the first three months of 1984, hundreds of 'shack' dwellings in Duncan Village were demolished, leaving an estimated 2,000 people homeless. In answer to a question in parliament on the provision of alternative accommodation for these people, the Minister of Co-operation and Development, Dr Piet Koornhof, said that it was assumed 'these people returned to where they came from'. The intention would appear to have been to force Africans into the neighbouring bantustan area (*DD 8/10.3.84*).

In June 1983 the government described as a 'success' its expulsion of over 8,000 people

from Katilehong township on the East Rand to the Ciskei and Transkei bantustans, after 1,000 shacks were demolished in that area. In October shacks were again demolished there (*RDM 9.6.83; see FOCUS 51 p.10*).

The inhabitants of makeshift homes on the KTC site adjacent to Crossroads in Cape Town have suffered constant raids and demolition of their dwellings by administration board officials over the past year. In February 1984 a week-long ban was placed on the entry of film and television crews into African townships in the Western Cape; no reasons were given for the ban.

In March the Western Cape Administration Board confirmed that the first Crossroads residents would be moved at the end of July to the new township of Khayelitsha, 25 miles outside Cape Town, where the government plans to settle 250,000 Africans. In a scheme to exclude Africans from the Cape Town area, it is planned ultimately to remove all 'legal' Crossroads residents — an estimated 18,000 with permanent urban residence rights — to Khayelitsha, together with all 'legal' residents of the African townships of Langa, Nyanga and Guguletu. These areas would then become 'Coloured' group areas in line with the 'Coloured labour preference policy' of the Western Cape. The government confirmed that the remaining 'illegal' Africans would be removed to the Ciskei and Transkei bantustans. 'Illegal' Crossroads residents number 30,000, while the number of 'illegal' Africans in the Cape Town area as a whole is impossible to calculate, although the government estimated it this year at 94,000.

A freeze has been placed on all further development in the three townships, while construction work on Khayelitsha was reported to be under way in the early months of 1984. Africans living in these areas were expected to settle voluntarily in the new township, but a survey conducted among Crossroads residents revealed that 90 per cent of them were opposed to moving (*CT 18.2.84, 2/21/22.3.84; Star 3.3.84; see FOCUS 46 p.9, 47 p.6, 51 p.10*).

*continued from p.6*

Internal Security Act had been released. He said that with regard to seven others police investigations had been completed and dockets sent to the attorney-general for his decision. He said that it was not in the interests of the people concerned nor in the public interest to reveal the names of the people. *FOCUS 51* reported thirteen detentions during December, many of them unnamed people held in connection with the armed struggle (*DD 22.3.84*).

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# FREED SWAPO LEADER TELLS HIS STORY

*continued from front page*

now that he was to be released, ja Toivo refused for three hours to leave the prison, saying that he suspected the South African government of 'devious tricks'. He later told supporters in Katutura that 'I am not glad to be here because I left my comrades behind... I had no choice but to come out' (WA 2.3.84).

Another visitor to Windhoek Prison in the course of 1 March, but one whom ja Toivo refused to receive, was Andreas Shipanga, a former colleague of ja Toivo but now associated with the SWAPO-Democrats party inside Namibia. On realising the identity of his visitor, ja Toivo turned his back and later commented that 'if he is an enemy of SWAPO, then he is no friend of mine' (WO 3.3.84).

The Director of the Administrator General's office in Namibia, confirming that ja Toivo had at first refused to be released because of the large numbers of his colleagues still in prison and detention, said that 'I told him that in the process of achieving a peaceful process leading to independence, attention would be given to the release of all prisoners on all sides of the conflict' (RDM 2.3.84).

## SPONTANEOUS RALLIES

The chant of 'Toivo is free! Toivo is free!' was taken up by the exuberant crowds who greeted ja Toivo on his eventual return to Katutura on the evening of 1 March. Cars hooted and residents ran out into the streets with clenched fists, ululating. Impromptu meetings of SWAPO supporters formed wherever he travelled in the course of the next few days (WA 2.3.84).

In Katutura, ja Toivo gave an immediate press conference and was reunited with SWAPO officials, relatives and friends. Answering press questions, he said that he would not negotiate with South Africa until all SWAPO prisoners, whom he gave as 38-40 on Robben Island and about 140 in Marienstal (Hardap Dam), were released. 'I am still a strong SWAPO member and am convinced that SWAPO will win' he added (WA 2.3.84).

In an interview with Gwen Lister of the *Windhoek Observer*, ja Toivo stressed that 'As far as I am concerned my mission is to liberate Namibia, but even if Namibia is free of the oppression of the South African government, and free of apartheid, we will not be free as long as our brothers and sisters are living in oppression in South Africa' (WO 3.3.84).

His message to the people of Namibia

was that they should stand together and not be shifted by the multi-party conference' now in progress in Namibia under South African auspices, by other South African government actions or by the policies of the Reagan administration. Only the implementation of UN Security Council Resolution 435 could lead to true independence, he said (WO *ibid*).

On the question of his position in SWAPO and media speculation about a possible challenge to the leadership, ja Toivo told a press conference that 'I am a servant of SWAPO. Whatever decisions are taken about my future by SWAPO, I will abide by. If I am asked to fulfil a particular duty, I will do it.' Following his meeting with the SWAPO president, Sam Nujoma, whom ja Toivo had not personally known before, he commented that 'our organisation takes collective decisions and has elected a leader capable of leading us to a better society' (ST 4.3.84; BBC 23.3.84).

## APARTHEID PRISON

The appalling conditions on Robben Island, where most Namibian political prisoners are serving their sentences, were described by Herman ja Toivo in an exclusive interview with the *Windhoek Observer*.

Medical facilities were poor, he said, although there had been a slight improvement recently. In most cases, doctors did what they were told to do by the prison warders. Prisoners had to pay for spectacles and dentures, even if these were issued by the government and supposedly free of charge. When an order had been given that Robben Island prisoners be given spectacles through the Red Cross, this had been done for South African prisoners but not for Namibian prisoners.

Ja Toivo described how he and 27 others had been beaten by prison guards in 1971 after protesting about ordinary prisoners being beaten and forced to walk with their legs and hands chained. He himself had hit back at a guard who had beaten him, and was then assaulted by eight guards with batons. In another incident, when he had been beaten once again, he had seriously considered laying charges against one guard.

In June 1971, he had been placed in isolation until 1972, with only a bible and an English pocket dictionary to read.

Throughout his 16 years in prison, he had refused to accept the classification system

whereby certain category prisoners received some privileges. He had remained a category 'D' prisoner, which entitled him to receive only one letter a month, and write two. He was also allowed to receive one visit a month.

He described conditions on Robben Island as bad, and said that there was apartheid in prison. When asked by journalists after his release how he had been treated in jail, he replied: 'Jail is jail, and what can you expect from a South African jail?'

The Namibian prisoners on Robben Island had made constant appeals through the International Committee of the Red Cross to be transferred to Namibia, but had received no response.

Ja Toivo had close contact on Robben Island with the jailed ANC leaders, Nelson Mandela, Walter Sisulu, Govan Mbeki and others. 'We lived as one family and shared our difficulties', he said. 'I am very pleased to have known people of such calibre.' It was the inspiration of such people that had helped carry him through his long incarceration (WO 3.3.84; WA 5.3.84; RDM 2.3.84).

## GREETINGS FROM UDF

On 9 March, having been given a 30-day temporary travel document valid for Botswana, Zambia and Zimbabwe, ja Toivo left Namibia for Zambia, together with SWAPO's Vice-President, Hendrik Witbooi, and three other senior SWAPO officials. The delegation travelled via South Africa, where they were greeted during a stop-over by representatives of the South African United Democratic Front (UDF) (CT 13.3.84).

The UDF had previously sent a bouquet of flowers to Windhoek to greet ja Toivo on his release, bearing the message 'Strength and best wishes from the United Democratic Front' (RDM 3.3.84).

## TRAVEL BAN

Two SWAPO officials who were due to accompany Herman ja Toivo abroad were refused travel documents. Philip Tjerije, SWAPO's Publicity and Information Secretary, has been under a restriction order since his release from detention in 1980 (FOCUS 49 p.2). Frans Kambangula, SWAPO's Secretary for Transport, has apparently been trying unsuccessfully for years to obtain a travel document (WO 10.3.84).



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