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focus

ON POLITICAL REPRESSION IN SOUTHERN AFRICA

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SMITH REGIME ATTACKS FRONT-LINE STATES

According to reports from the official Mozambique Information Agency (AIM), Rhodesian security forces have violated the border and attacked civilian and military targets inside Mozambique on numerous occasions since the opening of the Geneva Conference at the end of October. The scale of these border raids, which most frequently have taken the form of airborne bombing strikes supported by heavily armed ground reinforcements, appears to have increased dramatically from the relatively small commando-type operation, such as that mounted against the Nhazonia refugee camp in August, (see *FOCUS* no. 6 p. 11), to full pitched battles with regular Mozambican forces. Up to 400 Rhodesian troops were estimated to have been deployed in an operation reported towards the end of November (see below).

The Smith regime has on various occasions denied that such engagements with Frelimo troops have taken place at all, dismissing the AIM reports as fanciful pointers to what it maintains is a disturbed and unstable state of affairs within Mozambique itself. However, it has consistently upheld its rights under "international law" on the one hand, to take "appropriate retaliatory action" against Mozambican troops allegedly responsible for attacking border posts and other Rhodesian targets with rockets and mortar bombs from across the border, and on the other, to engage in "hot pursuit" operations against guerillas of the Zimbabwean liberation movement. A Rhodesian Assistant Commissioner, speaking at a press conference after one such raid, declared that "it is not our intention to zap Frelimo at all, though if anyone gets in our way they will get what's coming to them." (RH 4.11.76)

This increasingly aggressive policy has been necessitated, according to official spokesmen for the regime, by the liberation movement's decision to step up the armed struggle as a complement to the Geneva talks, and in particular, to avert a "big push" being planned by the guerilla commanders for the end of 1976. Since at least early December, when it was revealed that a fourth military front, "Operation Tangent", had been declared along Rhodesia's entire western border with Botswana from Kazangula in the north west down to Beit Bridge in the south, the Rhodesian Midlands have been the only part of the country officially free from guerilla incursions. The Botswana border, too, has been the scene of increasingly serious violations by Rhodesian troops, culminating shortly before Christmas in an armed clash with members of the Botswana Mobile Police unit.

There is evidence, however, that ambitious plans for wide ranging strikes not only into Mozambique and Botswana, but even into Zambia, were worked out by the Smith regime well in advance of the Geneva Conference and designed to coincide with it. According to reports published in the South African *Rand Daily Mail* at the beginning of November, a special correspondent, Mr. J.H.P. Serfontein, became aware of the plans while on a visit to Rhodesia on or before 14 October. It was thought that the strikes — details of which were forwarded to the *Rand Daily Mail* but which its editors decided to withhold for almost three weeks — would be undertaken by special Rhodesian forces such as the Selous Scouts and anti-Frelimo groups operating from within Rhodesia, rather than by regular army units. They were "expected to include the following:

• Attacks from Rhodesia on targets inside Mozambique and not far from the border.

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

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- Raids on general transport, roads, railways, and telegraph lines deep inside Mozambique.
- A raid on a group of Zapu fighters said to be operating from Francistown in Botswana.
- Spy raid missions into Mozambique to collect information about specific military bases.
- The capture or killing of a prominent terrorist leader from a camp inside Mozambique.
- The destruction of certain terrorist groups in particular areas inside Rhodesia. It was uncertain whether a final decision had been taken to attack targets inside Zambia although the matter had been under discussion." (RDM 3/6.11.76)

Border violations and other acts of Rhodesian aggression reported since the end of October by the Mozambique Information Agency and the Office of the President of Botswana in fact correspond quite closely with these alleged advance plans. The escalation of border hostility is consistent with a strategy on the part of the Smith regime of shifting the armed conflict into the international arena in the hope of precipitating stepped-up South African and even American support.

MOZAMBIQUE

• 31 October — In what was described by Mozambique as an "invasion", Rhodesian troops crossed the border in two main areas, from north-eastern Rhodesia into Tete province, and from the south-east, close to the South African border into Gaza province. According to AIM, attacks began in the early morning of 31 October using tanks, mortars, cannons, fighter bombers, infantry and mounted infantry, and were repelled by the Mozambican armed forces. At least seven towns or centres are reported to have been attacked, at Chitanga and Chiqualaquala (formerly Malvern) in Gaza province, and at Gentu, Nura, Chicombizi, Chioco and Changara in Tete. Changara, situated on the main Beira-Tete and formerly Salisbury-Blantyre road routes, is a base for regular Mozambican troops, while the others may have been used as guerilla transit camps. According to sources in Maputo, the attack on Gaza began with a Rhodesian artillery barrage against Mozambican positions outside the town of Chiqualaquala, using this as a decoy for infantry thrusts deeper into Mozambique. Railway and other communications were allegedly cut in an advance from Chiqualaquala to Mapai, 80 km inside the country. The Rhodesian forces, who are said to have included black and white troops from the Selous Scouts, the Special Air Service and the Rhodesian Light Infantry, penetrated altogether about 100 km, and "violent fighting" was reported to be still continuing on 1 November. According to a military communique issued by the Smith regime on 31 October, the raids were in retaliation for "unprovoked" Mozambican fire on the Vila Salazar border post in the south-east. Army spokesmen subsequently refused to confirm a casualty figure, beyond dismissing reports of up to 1,000 guerillas killed as "exaggerated". Eight tons of captured arms and equipment were brought back to Rhodesia, with a further 50 tons said to have been destroyed in situ. (T/Tel. 1/2/3.11.76; RH 2/3.11.76; BBC 3.11.76; RDM 2/12.11.76)

• 2 November — Rhodesian troops, arriving at Mapai, attacked the village and railway station, where four railway coaches with passengers were waiting while the driver returned to Chiqualaquala to pick up refugees from the fighting. Witnesses said that five Rhodesian vehicles took up positions around the village, while three vehicles, carrying about 150 soldiers, attacked. The railway coaches and houses in the village were raked with machine-gun and bazooka fire, killing, according to some reports, 28 people and wounding 30. The only resistance came from seven railroad workers who were carrying arms as members of the Mozambique People's Militia. Two of them were killed. The invaders, most of whom were said to be black, but with a white Rhodesian commanding officer, sabotaged the railway line in 9 places and ripped up more than 2 km of track. (BBC 4/5.11.76; RDM 12.11.76)

• 3 November — Two attacks mounted by Rhodesian forces in the early evening on the border village of Machipanda, opposite Umtali in Manica province. The bombardment, using mortar fire and heavy artillery, was allegedly in retaliation for a rocket attack on Umtali and the adjacent Forbes border post. Rhodesian fighter bombers were seen flying towards Mozambique shortly after four missiles had exploded with minimal damage in Umtali. (FT/T. 4.11.76; BBC 5.11.76)

• 7 November — Maputo radio announced that Mozambican forces had now gained control over all three provinces attacked. Fighting had ceased in Gaza on 2 November but continued in Tete where 8 Mozambican soldiers, includ-

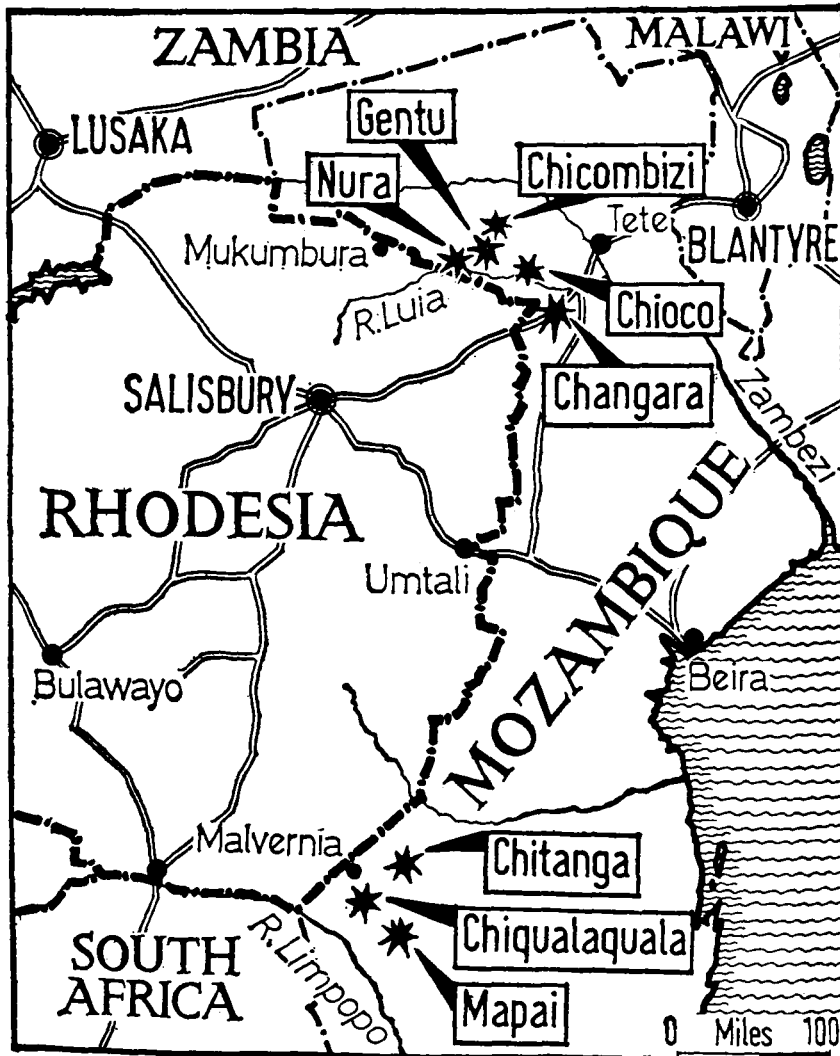
ing two women, were killed. The total of civilians wounded was put at several hundred. (BBC 5.11.76; FT/T/GN 8.11.76)

• 11 November — A mounted patrol of 8 or more white Rhodesian soldiers crossed the border in the early morning 3 miles north of Chiqualaquala, and attempted to blow up a passenger train by laying landmines. They were spotted by villagers and apprehended by a Mozambique patrol, who reportedly killed 5 of them. (BBC 15.11.76; GN 13.11.76) According to AIM a second attack, using heavy weapons and armoured cars, was launched on the same day about 20 km south of Chiqualaquala. (BBC 16.11.76)

• 11-15 November — Rhodesian jets bombed 4 positions in the Mavue area of Gaza province. Paratroops and helicopter troops, supported by heavy artillery and infantry sent in over the border, attacked and occupied a military base at Mavue. Seven out of a total of 20 Rhodesian aircraft, were allegedly shot down over a 4 day period. 17 regular Mozambican troops were reported killed, 17 wounded and 19 missing during the fighting (BBC 17/18/22.11.76; FT 17.11.76)

• 18-19 November — Rhodesian troops, supported by heavy artillery, armoured cars, paratroops, helicopters and bombers, attacked Pafuri in Gaza province in the early hours of 18 November. After an 8 hour battle, the Rhodesians retreated, and reinforcements were sent in over the border for a second attack launched early on 19 November. The fighting spread

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towards Chiqualaquala and involved, according to one report, one battalion of Frelimo troops numbering about 600 men, and two "reinforced" companies of Rhodesians, totalling about 400 men. (RDM 20/23.76; BBC 22.11.76)

• 23-24 November — Rhodesian bomber planes, combat vehicles and infantry combined in an attack on the Chirara area, Vila Manica district. (On 24 November, a Rhodesian military communique confirmed for the first time that aircraft had been used against Mozambique in retaliation for heavy mortar and machine gun fire. No details of the raid were given). (T/GN 25.11.76; BBC 26.11.76)

• 2 December — Rhodesian attack lasting several hours in the Chiqualaquala area. Bombing from the air was supported by ground attacks using infantry and armoured cars. A Mozambican telecommunications centre was partially destroyed, a post office attacked and a fuel tank destroyed. An aircraft and 2 Rhodesian military vehicles were reported to have been destroyed, with one dead and one wounded on the Mozambican side. (BBC 6.12.76)

• 10-16 December — A Rhodesian attack was launched late on the night of 10 December in the Caerezi locality of Guro district, Manica province. Fighting continued until 16 December, apparently with the aim of cutting the Beira-Tete road link. An attack on the Pafuri region using aircraft and heavy equipment on the morning of 11 December was finally repulsed the following day. In the course of this series of attacks a tropospheric communications station at Mount Chiluvo near Pafuri was destroyed and all telephone and telex links between Maputo and the rest of Mozambique cut off. (BBC 13/15/17.12.76; RDM 15.12.76)

• 13-14 December — Rhodesian air attack on Caponda, between Mucumbura and Mague in Tete province, 30 km from the frontier. (BBC 16/17.12.76)

• 16-17 December — Two attacks on the Chitanga area of Gaza province between Chiqualaquala and Mavue. Heavy artillery was used but there were no losses on the Mozambican side. In an attack in the early morning of 17 December on the Chirara area of Manica province, using two jets, a bomber, two helicopters, heavy artillery and infantry, 8 Mozambican civilians were killed and 10 wounded. (BBC 20.12.76; MS 18.12.76)

• 25 December — Rhodesian troops with air support invaded Gaza province and attacked the Chitanga area. The Rhodesians are alleged to have used napalm bombs, and fighting was reported to be still continuing on 29 December. (FT/MS 30.12.76; BBC 31.12.76)

BOTSWANA

• Early November — Rhodesian security forces allegedly crossed into Botswana and abducted 10 African women. The women, originally from Rhodesia, had reportedly taken refuge in Botswana after security forces had raided their village, called Mambzi, and interrogated villagers about the activities of guerrillas operating in the Rhodesia-Botswana border area. Their husbands and other men were reported to have been arrested. (Star 13.11.76)

• 19 November — The offices in Francistown of the Nkomo wing of the African National Council were totally destroyed by a bomb blast which injured five passers-by. The child of a senior local civil servant was reported to have died from the blast. The six ANC officials nor-

mally resident in the house, alerted by a barking dog, narrowly escaped injury when two out of four suitcase bombs planted outside exploded. Four men, three white and one black, were seen running away from the scene. According to a statement issued soon after the incident by the Office of the Botswana President, it had "now been established beyond doubt that the culprits were members of Ian Smith's security forces". These kinds of activity were "obviously done with the knowledge and consent of the Smith regime." The raiders, the statement continued, had crossed back into Rhodesia near the town of Matsiloje, and were believed to have attacked in retaliation for the Botswana government's refusal the week before to hand over a number of Rhodesian schoolchildren who had sought refuge in Botswana. In the face of claims by the Smith regime that the blast reflected "faction-fighting" between different nationalist groups, the *Rand Daily Mail*, which had previously admitted having prior knowledge of Rhodesian "hot pursuit" operations (see above), declared that the attack was "almost certainly the work of a Rhodesian government squad", probably the Selous Scouts. The paper went on to claim that "the plan to attack the Nkomo office was taken (sic) seven weeks ago, immediately after the talks between Dr. Henry Kissinger and Mr. Ian Smith. At the same time it was decided to make a series of spectacular strikes deep into Mozambique." (RDM/Star/GN/D.Tel/T. 20.11.76)

• 20 November — The body of a Botswana villager, Mr. Phatsimo Topole, 35, killed by Rhodesian security forces near the border village of Matsiloje, was brought into Francistown's Jubilee Hospital. According to the Smith regime, Mr. Topole, who had allegedly been armed with a shotgun, had been shot on 17 November when he was caught breaking the curfew regulations inside Rhodesia. (RDM 23.11.76)

• 25 November — According to a statement issued by the Office of the Botswana President, two black and two white Rhodesian soldiers crossed into Botswana and kidnapped a 16-year-old boy about 1 km from the border in the north-east district near Moroka village. The boy, Disang Modiakgotla, was reportedly looking for a stray goat when the soldiers captured him. (RDM 27.11.76; BBC 1.12.76)

• 11-12 December — A group of nine black and one white Rhodesian soldiers allegedly attacked Matshelagabedi, a village near Francistown. Three Botswana citizens, Mr. Abel Maphane, his son Jotha, and a male servant, Mr. Bango, were abducted. The soldiers were also reported to have burnt down Mr. Maphane's home and a number of other houses in the village, stolen his money and set fire to his car. (RDM 15.12.76; BBC 17.12.76)

• 14 December — Rhodesian soldiers in camouflage uniform, transported in a "military van", allegedly made a lightning raid on the border village of Moroka in the north-east. Houses were set alight and at least two destroyed, but no-one was hurt. (RDM 16.12.76)

• 18 December — Members of the Botswana Mobile Police Unit exchanged fire in a 20-minute gun battle with Rhodesian troops. According to the Permanent Secretary in the Botswana President's Office a Rhodesian military attack had been mounted on a police barracks on the outskirts of Francistown, 25 km from the Rhodesian border. A Botswana policeman was taken to hospital with a bullet wound in the leg. A transit camp for refugees from the Muzorewa wing of the ANC is situated close to the police com-

pound but official opinion in Botswana was that this was unlikely to have been the intended target. (RDM 20.11.76; FT/Tel. 21.12.76)

The gun battle of Francistown in the early morning of 18 December came hours after a decision by the Botswana Government to take the border problem to the United Nations. Mr. Archie Mogwe, Botswana's Foreign Minister, flew to New York shortly afterwards to present evidence of border violations to an urgent meeting of the UN Security Council and to request international assistance. The Smith regime, who have repeatedly accused Botswana of assisting Zimbabwean guerrillas, are reported to have extended an official invitation to the Botswana Government to discuss the border situation — an offer since declined. In a communique issued on 22 December the Botswana Ministry of Foreign Affairs stated that Botswana "deemed such a discussion unnecessary since all that was needed to resolve the problem was for Rhodesia to stop her incursions into Botswana." (RDM 20/23.12.76; 23/29.12.76)

According to the Botswana authorities, Rhodesian security forces have been responsible for at least 31 border violations involving incidents of arson, murder, kidnapping and destruction of property since Botswana became independent in 1966. 12 such violations took place during 1976. Botswana has no army, and its police force, numbering around 1,000 men in toto, is solely responsible for patrolling the remote 700 km border with Rhodesia in addition to other security functions. In an address at the opening of Parliament at the end of November, the Botswana President, Sir Seretse Khama, announced plans to increase the numerical strength and weaponry of the Mobile Police Unit. Other measures taken by the Botswana government in recent weeks in an effort to resist border incursions include an announcement on 22 December that the entire border region including Francistown and the north-eastern district would henceforth be treated as a "protected area". Road blocks may be set up anywhere within 30 km of the border and the police have been authorized to search anyone in this region. (RH 1.12.76; BBC 23.12.76; RDM 30.11.76, 22.12.76)

STOP PRESS

On 11 January, the Smith regime claimed in a security forces communique that Rhodesian troops had exchanged gunfire with armed men across the border with Botswana. According to the communique, Rhodesian forces had observed a build-up within Botswana of armed men at a kraal opposite their position. Later, it was alleged, small arms and automatic fire was directed from Botswana at two Rhodesian officers and the Rhodesian forces retaliated. (Times 12.1.77)

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HUNDREDS DETAINED WITHOUT TRIAL

Between late October and the end of December at least 70 more persons were detained without charge in a continuing clamp-down on political opposition. (*For names, see list below*). Those arrested were mostly school students and teachers in the Transvaal and Cape, and several Christian radicals both black and white.

In addition to the known detainees, large numbers of African youths were rounded up by the police in Soweto and other townships in a series of raids in late October through to mid-November. In an incident in October, all the students and teachers present at the Morris Isaacson secondary school in Soweto were arrested in a police swoop; (the school's principal, Mr. L.M. Mathabathe, was arrested on 18 August and held until Christmas). At Kwa Mashu, Durban, about 10 African pupils were arrested under the Terrorism Act, but no names were provided. (*NM 20.11.76*)

A report from Cape Town estimated that following police raids to round up "young blacks suspected of instigating the present unrest," at least 150 youths were being held in the Western Cape alone. (*GN 6.11.76*) A month later, in Guguletu township near Cape Town, armed policemen sealed off the township and arrested around 300 Africans, mostly youths, following the burning of 19 homes alleged to belong to African collaborators with the authorities. (*Times/GN 3/4.12.76*)

A columnist in *The World* (15.11.76), the African paper in Johannesburg, describing deserted streets in Soweto, attributed the "sudden disappearance of the young generation" in the previous two weeks to continuous raids in the streets of the townships which had driven thousands of children and teenagers to hide in their homes, and hundreds more to take refuge across the border in Botswana and Swaziland. Some of those arrested were dragged out of their homes in house-to-house raids which may have been aimed at breaking the boycott of Bantu Education schools that had been maintained since 16 June. (*RDM 6/9.11.76; World 11.11.76*) A carload of 8 youths from Soweto heading for the Botswana border were intercepted by the security police and detained (*Star 13.11.76*)

Frantic inquiries by black parents

trying to establish whether and where their children were being detained, or whether they had been killed or injured in the numerous shooting incidents that occurred throughout this period, met with little sympathy from the police. Speaking to a multi-racial delegation of women, the Soweto police chief, Brig. Jan Visser, claimed that no black under 16 was being detained for ideological reasons, only on criminal charges. Allegations against the police would be investigated if names, dates and places were provided, he added. (*Star 13.11.76*)

Press publicity exposed one case, to good effect. An unnamed African boy aged 13 was arrested on 1 November at Tembisa and held with other political detainees at Modder B prison. Charged with sabotage on 18 November, he was refused bail. His mother, in a sworn affidavit published in the *Rand Daily Mail*, claimed that when she saw him a day after his arrest, his face was so swollen that he could not eat. Then, on 8 December, her son was granted R50 bail at an unscheduled court hearing, and required to report thrice weekly to the police. A domestic servant earning R6 a week, the mother, who has seven other children, had to borrow the bail money from a relative's employer (*RDM 3/4/7/10/12.12.76*)

In December Brig. Visser agreed to a scheme whereby anxious parents could file details of missing persons with volunteers from NICRO (National Institute for Crime Prevention and the Rehabilitation of Offenders) at various centres (clinics, churches, etc) for forwarding to the police, who will supply details of charges

and court appearances. It appears, however, that the police are still unwilling to supply names of detainees unasked. (*RDM 14.12.76*)

I.S.A. DETAINEES RELEASED

The new preventive detention provisions of the Internal Security Act (*see Focus No. 6 p. 2*) were brought into operation in July, and many of the detentions during August were made under this Act. The orders issued then by the Minister mostly terminated on 31.12.76. Accordingly, around Christmas, some 113 detainees were released including at least 102 held under the I.S.A. and a handful of others detained under the Terrorism Act or the General Law Amendment Act. The former provides for indefinite detention without trial, the latter for detention for periods of up to 12 days.

Of the I.S.A. detainees released, at least seven were immediately banned: four from Durban (Rashid Meer, Govan Reddy, George Sithole, David Gasal), two from Johannesburg (Winnie Mandela, Mohammed Timol), and one from East London (Tenjiwo Mntso). Further details will appear in *Focus No. 9*.

Since there were at least 443 political detainees by 18 December, according to the SA Institute of Race Relations, the releases left some 330 persons still detained, most of them under the Terrorism Act.

One of those released had been held since October 1975. Thami Zani, former SASO secretary-general, had been held under the Terrorism Act for a year, and then under the I.S.A. until his release. (*RDM 18-30.12.76; Times 29/30.12.76*)

DEATHS ON ROBBER ISLAND

The deteriorating health of some prisoners on Robben Island, South Africa's notorious political prison, is reflected in a number of deaths which have come to light.

Mr Kholisile Roxo, 36, serving a 17-year sentence died in a Cape Town hospital in September 1976. His father had requested his release from the Island after hearing that Roxo was having fits and could not stand up. Roxo, who had served 12 years, died within a week of his release from the prison, and before his family could see him (*W. 21.9.76*)

Mr Simon Nkene Brander, 47, died in November 1976 after serving 13 years of a 15-year sentence for conspiracy to commit sabotage. Mr Brander, who before his conviction was a catechist and church choir conductor, was described at his funeral, attended by several former

Robben Island prisoners, as "the man who always worried about the next man."

In a similar case in 1975, an ANC activist Mr Alfred Khonza died shortly before his release. He had almost completed a 12-year sentence. (*RDM 3/6.12.76*)

A rare glimpse into Robben Island was afforded by a case in Cape Town's Supreme Court in December 1976, when a conviction imposed by a prison officer on Mr Petrus Motsau, was quashed. The original conviction concerned a complaint made by Mr Motsau that his medical records had been falsified. Mr Motsau had refused to do work from which he believed he was medically excused. Mr Motsau, former organising secretary of the Sharpville Youth Club, is serving a five year sentence imposed under the Terrorism Act in 1974. (*RDM 14.12.76; 2/4-6/27.4.74*)

ALARM OVER DETAINEE DEATHS

In December five more deaths of political detainees came to light, bringing the total of such deaths to 13 in 1976 alone, compared with 22 in the previous 14 years since detention without trial was first introduced in 1962 under the General Law Amendment Act*. Alarm over the rapidly increasing number has given rise to numerous demands, both in South Africa and abroad, for an independent inquiry. At the same time mounting scepticism is being voiced about the official version of the cause of death in such cases. In a typical comment, the *Daily Dispatch* (16.10.76) said in an editorial: "The suspicion exists that suicide by hanging, or slipping in the showers, or falling out of windows or down stairs, or natural causes, are euphemisms."

The 13 persons who are known to have died in custody last year are as follows:

Joseph Mdluli (50) — Allegedly died through application of force to the neck (see next story)

Mapetla Mohapi (29) — 'suicide by hanging' is alleged. Inquest due in January. (See *Focus* No. 6 p.7)

Luke Mazembe (32) — 'suicide by hanging' is alleged. The inquest, which opened in November and adjourned indefinitely without reaching a verdict (CT 12.11.76) was told that pieces of twine and a razor blade, which together with blanket strips enabled him to make a noose, had been accidentally left in his cell. (See *Focus* No. 7 p.6)

Dumisani I. Mbatha (16) — allegedly 'became ill'. (See *Focus* No. 7 p.6)

Zungwana J. Mashabane (22) — 'suicide by hanging' is alleged. A student at the University of Zululand, Mashabane died on 5 October in Johannesburg Fort. Prison officials claimed that he was awaiting trial on theft charges when he hanged himself with his shirt. But his family, who had not been informed of his arrest, believe he was detained under security laws. A crowd of over 5,000 mourners turned the funeral, on 24 October, into a political event, at which police opened fire without warning, killing 7 and injuring 51 others. (RDM 18/19/26.10.76; D. Tel 2.11.76; NM 15.10.76; CT 19.10.76)

Fenuel Mogatusi (22) — alleged to have died of suffocation during an epileptic fit. Like Mbatha, he was also a Soweto schoolboy. (See *Focus* No. 7 p.6)

William Tshwane (age ?) — cause of death undisclosed. Arrested on 25 June along with other Soweto students, he was held at Modder B prison (see *Focus* No. 7 p. 6). Although he is reported to have died on the day of his arrest, his family were only informed on 14 October when they were told they could not have the body as it had already been buried. (CT 19.10.76; D. Tel 2.10.76; FT 16.12.76)

Edward Mzolo (40) — cause of death undisclosed. Died on 9 October at Johannesburg Fort — the third person to die in detention at the Fort in two weeks. (GN 22.10.76; RDM 15.12.76)

*For details of previous deaths, see Hilda Bernstein: 'South Africa — The Terrorism of Torture' (IDAF 1972) 54pp price 30p.

Joyi Twasifene (age ?) — cause of death undisclosed. Apparently detained in the Transkei. No further details reported (RDM 15.12.76)

(Could be Twalimfene Joyi, who was banished to Kuruman in 1958 and in 1969 was charged under the Terrorism Act with 11 other ANC members (including Dorothy Nyembe) in Pietermaritzburg. On completion of his 5-year sentence he was banned in March 1974 and restricted to Umtata, capital of the Transkei. (GG No. 4279 17.5.74)

Thabo Mosala (over 60) — 'natural causes' alleged. Died on 25 November in Butterworth prison, Transkei, where he had been detained for 95 days under Proclamation R400 (which applies only to the Transkei). Chairman of the tribal council of Chief Neo Sibi (who has also been detained since 31 August), a leader of the Sotho minority living in the Transkei who have been strongly opposed to the independence of the Transkei. According to the authorities, Mosala died of internal bleeding from a gastric ulcer. His brother has also been detained in Johannesburg (see list on p. 9-10). (RDM and GN 9.12.76)

Ernest Mamasila (35) — 'suicide by hanging' is alleged. On 16 November his wife was told he had been detained at Brakpan under the Terrorism Act. Two days later his family were informed that he had hanged himself in a cell at Balfour in Natal. (FT 16.12.76)

Wellington Tshazibane (30) — 'suicide by hanging' is alleged. Tshazibane was detained under the Terrorism Act on 9 December and held at John Vorster Square in Johannesburg. Two days later his family were informed that he had hanged himself with a strip of blanket. Tshazibane, a brilliant student who had been expelled from the University of Fort Hare during student unrest in 1968, held an honours degree in design engineering from Oxford University and was employed by the De Beers-Lesotho mining company, a subsidiary of the Anglo American Corporation. He was arrested in connection with the Carlton bomb incident (see Isaac Sighe and J. Mofokeng in detainees list), shortly after returning from a business trip to Lesotho. Hundreds of people attended his funeral. (RDM 14/16/28.12.76; Times 14/30.12.76)

George Botha (30) — suicide alleged. A Coloured biology teacher, he was arrested on 10 December under the Terrorism Act and died five days later in the Port Elizabeth security police HQ. According to the Commissioner of Police, Gert Prinsloo, "he jumped down a staircase well next to the lift as he was being taken up to the office. He hadn't been questioned yet." (GN 16.12.76) His wife said he was "definitely not the type of person to commit suicide." She arranged for two doctors to attend the autopsy. (RDM 16.12.76; ST 19.12.76)

STOP PRESS

Two more detainees died early in January:

(1) Dr. Nabaath NTSHUNSHA (40) of Soweto, who was arrested on 14 December.

(2) Mr. Lawrence NDZANGA, also of Soweto, apparently arrested early in January. Former national secretary of the SA Railway & Harbour Workers Union, and NEC member of SACTU, he was detained with his wife Rita and 20 other Africans in May 1969. They were all charged twice under the Suppression of Communism and Terrorism Acts and acquitted twice. Thereafter both Ndzangas were banned for 5 years. Rita is now awaiting trial under the Terrorism Act.

MDLULI DEATH — FOUR ACQUITTED

Four members of the Security Police have been acquitted on charges of culpable homicide relating to the death of Joseph Mdluli, an ANC leader, on 19 March. (See *Focus* No. 4 p. 2, No. 5 p. 13, No. 6 p.7). Capt. David F. van Zyl, Lt. Andrew R.C. Taylor, and Det. Sgts. M.P. Makhanya and Z. Ngobese pleaded not guilty before Mr. Justice James, judge-president of the Natal Supreme Court. They did not give evidence in person, and therefore could not be cross-examined, but the prosecution described to the court their version of what had happened.

This was that during interrogation Mdluli let slip the name of a taxi-driver. Upset by this, he attempted to escape through a window. A fierce struggle ensued, in which all the accused took part, to restrain Mdluli, who was a very strong man. A few hours later, on the afternoon of the day after Mdluli's arrest, interrogation was resumed, and continued till 8.30pm when Mdluli stood up, holding his head and complaining of dizziness, staggered and fell, hitting the back of a chair with his neck or chest. He died an hour later.

The evidence of the 3 main prosecution witnesses, all forensic experts, conflicted with this account. Government pathologist, Dr. B.J. van Straaten, described extensive injuries on Mdluli, including a fractured cartilage and bruising in the neck caused by at least two applications of force, extensive bruising on the forehead, temporal area and the back of the scalp, abrasions in several places, deep bruising near the rib cage and three fractured ribs. His initial view was that strangulation was the cause of death. No mention was made to him of a fall on to a chair. Mdluli appeared to have been dead for longer than the period suggested by the accused. But Dr. van Straaten "did not take the body temperature as there was the cream of police society telling me that this man had collapsed in their presence." (NM 27.10.76)

The second expert, Professor I. Gordon of Natal University, chief government pathologist in Durban, like van Straaten, expressed strong doubts that the injuries could have been caused by a fall. He thought that a blow to the neck could have occurred, and in consultation with van Straaten changed the description of the cause of death from strangulation to "the application of force to the neck". Professor Shapiro's evidence was to similar effect.

Acquitting the accused, the judge ruled that the case against the policemen was not proved. The medical evidence showed that Mdluli died, probably around 9pm, almost immediately after receiving neck injuries. "If he had died of these injuries in the morning after a scuffle with the 4 accused, all the policemen in the building would have had to enter an elaborate conspiracy to conceal his death till that evening. I consider the probabilities overwhelming that the accused did not give Mdluli the fatal injuries to his neck that morning. As this was the only occasion on which it is alleged that they assaulted Mdluli it follows that they were not responsible for his death."

The police version of what happened, he ruled, did not satisfactorily explain Mdluli's injuries, the story of the fall over a chair was open to 'very considerable doubts', and further investigation was required to establish how Mdluli met his death. This important matter should not be left in its highly unsatisfactory condition, he added. (RDM/NM 26-29.10.76)

POLITICAL TRIALS

During 1976 there were 19 trials under the Terrorism Act in South Africa, the largest number in one year since the Act's introduction in 1967.

By mid December 22 people had been convicted and sentenced to a total of 134 years in jail. Altogether 69 people had been prosecuted under security legislation of whom 19 were acquitted or had the charges withdrawn. The remaining cases are still proceeding.

FOCUS has recorded all these cases, and the latest summaries of concluded and continuing trials appear below. The main events of December were the conviction of the nine black student organisers in the SASO-BPC case and the acquittal of the five white NUSAS associates.

SASO AND BPC CONVICTIONS

At the end of the longest ever trial under the Terrorism Act, the nine members of SASO and the BPC on trial since the middle of 1975 (see *FOCUS* No. 2 p. 3, No. 6 p. 5 and No. 7 p. 12) were finally convicted and sentenced on 15 and 21 December respectively.

Sentenced to six years' imprisonment were:

Saths COOPER, 25, former BPC public relations officer and official of Black Allied Workers Union.

Muntu MYEZA, 24, SASO president in 1973 and secretary general in 1974.

Mosioua LEKOTA, 27, SASO permanent organiser in 1974.

Aubrey MOKOAPE, 30, former BPC branch chairman in Durban, hospital doctor, banned person and father of two daughters.

Nkwenkwe NKOMO, 23, former BPC permanent organiser and secretary general.

Phadelani NEFOLOVHODWE, 28, SASO president in succession to Myeza.

Sentenced to five years' imprisonment were:

Kaborane SEDIBE, 24, SRC president at Turfloop University of the North in 1974.

Zitulele CINDI, 24, BPC secretary general immediately prior to Nkomo.

Strini MOODLEY, SASO publications director, newsletter editor, founder of TECON drama group and banned person.

All were arrested following the banning of rallies called to celebrate Frelimo's victory in Mozambique in September 1974 and have been in custody ever since. Originally 13 men were on trial, but the first indictment was withdrawn and two of the accused were discharged, followed by the framing of a new indictment against nine and fresh charges against two. Of the latter, Rubin Hare was later dis-

charged but in 1976 detained under the Internal Security Act, and Sadecque Variava was charged with Nomsisi Khuzwayo and released on bail pending trial which is expected to open now the main case is over.

The trial proper began in August 1975 and by the end covered nearly 9000 pages of court record, together with 1000 pages of documents. Defence costs are estimated at over R400,000. (*RDM* 15.12.76)

The nine accused were in fact only convicted on two out of a total of eleven counts. They were found not guilty on the main count of conspiracy to bring about revolutionary change but guilty of acts capable of endangering law and order (such as issuing pamphlets, making speeches and calling rallies) and of unlawfully organising Frelimo rallies in Durban and Turfloop. Although the judge failed to find that SASO and BPC were subversive organisations or that the accused had acted clandestinely, his decision to convict suggests that hitherto lawful acts such as speeches attacking government policy can be deemed 'terroristic' offences. The judge accepted that the accused were sincere in believing themselves victims of an oppressive system, and said he did not expect imprisonment to reform their views. The sentences were therefore deterrent — to stop like-minded people from committing similar acts. (*RDM* 16/22.12.76)

The judge refused to allow 'political speeches' to be made from the dock. Short statements were apparently allowed. Extracts from the accused's statements as reported in the press included the following:

Nefolovhodwe said "We love South Africa more than any other country and have been prepared to criticise it severely to try and improve it." Mokoape said that over the years they had spoken out against the humiliation of the pass laws, the agony of migratory labour, the horror of innocent Black children dying of starvation and the scars inflicted by incidents such as Sharpeville and Langa and no-one had disputed the truth of what they said.

Cooper said SASO and BPC saw it as their right and duty to fight racial servitude and to achieve freedom for all in South Africa, both black and white. The Blacks claimed to fight against tyranny just as the Afrikaner had fought for independence from the British.

Myeza said although South African society was racially structured blacks had never fought racism with racism. "Whatever we said was the truth and it has remained unchallenged." (*RDM* 22.12.76; *GN* 22.12.76)

An application for leave to appeal was submitted immediately the case ended. (*RDM* 23.12.76)

TEN ANC MEN

The prosecution case against the ten men from Natal accused of recruiting young

men for military training with the ANC (see *FOCUS* No. 7 p. 12, No. 6 p. 5) closed on 19 October after 36 days during which 80 witnesses had been called. The judge claimed he had no power to order the release of the remaining detainees connected with the case who had neither been accused nor brought as state witnesses.

Further prosecution witnesses (see *FOCUS* No. 7 p. 12) included a number of elderly women who had been active in the ANC before 1960. One was Mrs. Merica Mthunywa, aged 70, formerly regional charman of the ANC Women's League, who was arrested on 13 April and held in solitary confinement. She had been repeatedly questioned until she became confused and her first statement was rejected as 'unsatisfactory'. (*CT* 1.10.76)

Other witnesses were young men said to have been recruited either by those on trial or by Joseph Mdluli the alleged accomplice killed in police custody (see also under *DEATHS IN DETENTION*). These included Jabulani Mdluli, aged 19 and a relative of Joseph, who stated that he and six others had been smuggled over the border on the night of 18 March and told they were going for military training. At dawn these seven left the house in Manzini where they had been taken and went to the police. Later the same day Joseph Mdluli was arrested in Durban.

Also arrested was Samson Lukele, the Durban taxi driver who said he had been employed to ferry the recruits to the border. The first trip took place on 11 March, when four youths had crossed into Swaziland, and the second on 18 March, as outlined above. After his arrest Lukele was told to go ahead with plans for a third trip on 25 March, with eight policemen acting as substitute 'recruits', including four whites with their faces blacked. At the border fence Lukele met Joseph Nduli, one of the accused, who told him that the previous week's group had gone to the police. Then, according to Lukele's evidence, he returned to his vehicle and shortly afterwards saw Nduli and another man inside South African territory struggling with the police decoys until they were overpowered and tied up. The defence cross examination suggested that as he made contact across the fence Lukele shouted to the police who climbed the fence and grabbed the two men, with assistance from police hiding inside Swaziland territory (as was described in *FOCUS* No. 6 p. 5). Then Nduli and Ndhlovu were bound and gagged and taken in police vehicles to a camp near the sea, where they were interrogated. (*NM* 13/14/15.10.76)

Griffiths Mxenge, the lawyer detained from March to July (see *FOCUS* No. 6 p. 7), declined to give evidence relating to a cheque he had cashed for G.J. Zuma (cited as co-conspirator) on the grounds that he had acted professionally for Zuma and virtually all the accused. After the defence admitted the facts relating to the cheque, Mxenge was excused from giving evidence. (NM 20.10.76)

When the trial resumed on 15 November the defence case opened with a statement to the effect that the purpose of the recruiting had been for training in trade union organization and not military training as alleged. A large part of the defence case would also rest on the unreliability of the prosecution evidence, which was dictated to suit police purposes. Many of the witnesses had no knowledge of the things they claimed.

The first of the accused to give evidence was Harry Gwala, who has had four banning orders imposed on him and lost his job at Edenvale Hospital for distributing SACTU pamphlets. Formerly he was SACTU organiser in Pietermaritzburg. To the court he outlined the legislative removal of workers' rights under South African law. He asserted that the recruiting had been planned as part of the revival of SACTU, about which he had spoken with Azaria Ndebele and Anthony Xaba (both accused). The evidence given against him by trade union organiser Harold Nxasana (see *FOCUS* No. 7 p. 12) had been extracted by terror, he claimed. (NM 30.11.76, 1/4/9.12.76)

William Khanyile, another accused, described how he had been stripped and assaulted by police on the day of his arrest. He denied all connections with the ANC since its banning in 1960.

Mathews Meyiwa claimed that SACTU was still alive in the minds of African workers. He described a meeting in 1975 with Gwala and some others at which the possibility of sending people for union training outside the country was discussed. A network of 12 organisers in Natal was envisaged. He also said the police had told him to admit to forming an ANC cell in Hammarsdale, and described the conditions under which he was detained. (RDM 14/15.12.76)

Two other witnesses called for the defence were Barney Diadla, formerly with the KwaZulu executive council, who spoke of the need for African worker representation in trade unions, and Selby Msimang, aged about 90 and a founder member of the ANC in 1912. He spoke of the struggle for workers' rights, and said that he was now working with Chief Buthelezi's Inkatha movement, which sent young people out of the country to study. (NM 9.12.76)

HOLIDAY CONVICTED

The trial of the journalist Anthony HOLIDAY (see *FOCUS* No. 7 p. 13) opened on 15 November in Pretoria Supreme Court. He pleaded not guilty to charges under the Terrorism Act of promoting the policies of banned organisations by

- establishing an underground cell with three other people;
- using an office and duplicating equipment to prepare and publish propaganda material;
- receiving money from the ANC and/or the SA Communist Party;
- consenting or trying to undergo training in subversive activities in Britain in 1969;
- distributing one or more of 11 documents mentioned in the indictment; and trying to train recruits in evading surveillance.

The alleged acts were said to have taken place between September 1969 and July 1975, while Holiday was political reporter with the *Rand Daily Mail*. The first witness was his former colleague Patrick Weech, subeditor on the *RDM*, who was warned as an alleged accomplice but promised indemnity if his evidence was satisfactory to the State.

Weech said that in August 1968 he had offered to help Holiday in his political activities, and had addressed envelopes, helped to duplicate a pamphlet entitled "Revolt — a Journal for Radicals" and put copies into 2—300 envelopes. In September 1971 he had assisted in producing another issue of "Revolt" and later an edition of "Inkululeko". He claimed that Holiday had instructed him in secrecy and checking for bugging devices.

After giving evidence Weech was released after 108 days in solitary detention. He had no complaints about his treatment and added "There were quite a few security police who were exceptionally kind to me." (RDM 16.11.76)

The second witness was Capt. Fourie of the Cape Town security police, who had participated in the arrest and interrogation of Holiday and who denied defence allegations of assault. Mr Harry Mashabela, a *Star* reporter detained at the same time as Holiday and Weech, and also warned as an accomplice, told the court he had been approached by Miss Rosemary Arnold, librarian with SA Associated Newspapers (and named as accomplice in the indictment but who is no longer in South Africa) on Holiday's behalf. Mashabela said he met Holiday twice, helped to mail one issue of "Revolt" and refused to have any more dealings with Holiday. He also stated that Holiday had received money from the ANC and/or SACP for his pamphlet activities. In cross examining Mashabela, defence counsel

suggested that his evidence incriminated Miss Arnold and had been altered to fit Holiday, who was the one on trial. (RDM 17.11.76)

Holiday was not called to the witness stand, and the closing submission for the defence conceded several prosecution points, viz. that Holiday had rented the office specified and bought duplicating equipment in order to prepare "propaganda material" on behalf of the ANC and SACP; and that between 1970 and 1972 Holiday had produced and distributed some of the pamphlets named in the indictment.

However, it was denied that Holiday had recruited Weech, Mashabela or Arnold to assist him; they had volunteered to help. (RDM 18.11.76).

On 19 November Holiday was convicted on all counts except that of undergoing training in subversive activities in London. He was sentenced to six years imprisonment. In a statement to the court he said he had pleaded not guilty although admitting some of the charges because to have done otherwise would have implied that he considered his actions morally indefensible. He also said that political activities had given a meaning to his life when he most needed it, through "the national liberation movement and the example set by some of the members." He had suffered assaults and threats in detention, as a result of which he had made a statement to the police. (RDM 20.11.76)

Mashabela was re-detained after giving evidence and released three days later. Weech resigned from his job at the *Rand Daily Mail*. (Times 22.11.76)

MOSS AND OTHERS ACQUITTED

On 2 December, a year and a day after they were arrested, the five Whites connected with NUSAS were found not guilty of conspiring to promote the policies of banned organisations. (see *FOCUS* No. 7 p. 13, No. 6 p. 6, No. 4 p. 11)

Glen MOSS (24), Charles NUPEN (26), Edward WEBSTER (33), Cedric DE BEER (23) and Karel TIP (31) had been on trial since April.

In summing up the judge found the evidence of three police informers to be unconvincing and said that a good deal of irrelevant evidence had been submitted by both sides. The State, he concluded, had failed to prove that the accused had furthered a scheme aiming at making social, political and economic change by the promotion of disorder, or unlawful acts, or by the encouragement of feelings of hostility between black and white. Although the five men advocated a system completely contrary to the present form of government there was no evidence that

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they had the aims of the banned ANC or Communist Party in mind while working for change.

To decide whether the accused's action in campaigning for the release of political prisoners was unlawful, the judge said he considered whether the campaign could reasonably have resulted in the actual release of the prisoners, which he said was not possible. In view of his findings, he ended, the existence of a conspiracy among the five men became academic. (RDM 2/3.12.76; ST 5.12.76)

HENRY MOTHIBI

Henry T. MOTHIBI, aged 26, a graduate of the University of Lesotho, and employed by the Anglo-American Corporation on a mine research project, was convicted of furthering the aims of communism in Bloemfontein Supreme Court in November. He was sentenced to four years' imprisonment.

Mothibi originally pleaded not guilty to a charge under the Terrorism Act but then changed to a guilty plea under alternative charges under the Suppression of Communism Act. His offence was to have corresponded with a student at Seshego College, Pietersburg, on the question of change in South Africa. The student, Mokere Mashinini, urged violent revolution (in a letter produced in court); he was thought to have been a leader of disturbances at Seshego College, and to have subsequently left the country.

Mothibi knew nothing of Mashinini's political activities, and in his correspondence urged the view that non-violent changes were already coming about. Despite this, and a character reference by King Moshoeshe's private secretary, he was convicted and jailed. (World 14.11.76)

ZOTWANA AND TWO OTHERS

Two men from Grahamstown were each sentenced to 18 months imprisonment (9 months suspended) and a 17 year old boy was given six cuts with a light cane after being convicted of contravening the Riotous Assemblies Act and the General Law Amendment Act by distributing pamphlets in Grahamstown African township in October.

The three who were detained in the third week of October (see FOCUS No. 7 p. 9) were:

Sydney ZOTWANA (32) assistant in African Languages Department, Rhodes university; Tamsanqa Moroka MANELI (23) and Zandisile Gilbert THOMSON (17). They were alleged to have given out leaflets urging African workers to stay at home for a week. At the trial evidence was given by three accomplices: Jack Philip Lewis, Rhodes University student (see under BANNINGS); Alistair Maxegwana

and Miss Lauren Vlotman, Rhodes student (see FOCUS No. 7 p. 9). One of the main organisers was said to be Vlotman's boy friend Peter Richer, also a Rhodes student; shortly before the trial of Zotwana and the two others opened, Richer was refused an extension of his temporary residence permit and left for Botswana.

After the case was over Jack Lewis was served with a five year banning order under the Internal Security Act restricting him to his home town district of Cape Town. Miss Vlotman's passport was withdrawn, preventing her from joining Richer in Botswana. (RDM 2/3.11.76; Natal Mercury 20.11.76)

ESTHER MALEKA AND DAVID THATHE

Esther MALEKA and David Pule THATHE both of Soweto were each jailed for five years on conviction of recruiting others to join the ANC liberation army.

The recruiting was said to have taken place in March 1976; two young men, Matthews Maleka and Frans Sello were intercepted at the Botswana border trying to cross without passports, and it was they whom the accused were said to have recruited. The judge imposed the minimum sentence under the Terrorism Act, and granted leave to appeal (RDM 4/16.12.76)

NDEBELE AND OTHERS

Four professional people, who were detained in May and June 1976 (see FOCUS No. 5 p. 11) were brought to court in October charged with being members of the ANC and furthering its objects. They are:

Sibusiso Joel NDEBELE, 32, librarian at BLS University in Swaziland; Tintswalo Godwin MASHAMBA, 28, philosophy lecturer at Turfloop; Happy Joyce MASHAMBA, 27, library assistant at Turfloop and wife of above; Percy TSHABALA, 41, high school teacher.

All four were alleged to have associated themselves with the aims and objects of the ANC at diverse place (Manzini, Swaziland, Turfloop, Madadeni, Ngoye, Tzaneen) between August 1975 and May 1976. Ndebele was further alleged to have recruited or attempted to recruit members for the ANC, and encouraged others to obtain information on the location of police stations, military camps and safe bases for ANC members. Mashamba was further alleged to have shown pamphlets on 'Sharpeville Shootings' and 'Struggle for Mozambique' to a student at Turfloop, where he taught, and to have travelled in the Transvaal seeking information on police stations and military camps. (RDM 26.10.76, 30.11.76)

When the trial began in December one witness was Sibusiso Gabriel Nkosi, a social worker of Madadeni, Newcastle, who stated that he had been invited to Swaziland by Ndebele and that while there he had been urged by Stanley Mabizela to start an ANC cell at Madadeni. The purpose of the cell was to assist and protect ANC members on their return to South Africa after military training. Dawn Ngobesi, a Newcastle teacher who was detained in May (see FOCUS No. 5 p. 11) and apparently also travelled to Swaziland, spoke of Mabizela and Ndebele visiting him in Manzini and talking about the ANC and the formation of small 3-4 person cells. Mabizela allegedly described the structure of the organisation. (Natal Mercury 8/9.12.76)

TRANSKEI CASE

Five Africans were charged in Umtata Supreme Court under the South African Suppression of Communism Act in October. They are:

Dumisa NTSEBEZA (27) a schoolteacher from Tsolo.

Lungisile NTSEBEZA (22) a clerk, brother of Dumisa.

Meluxolo SILINGA (23) a clerk from Umtata.

Michael NGOBIZI (22) a former bank clerk.

Matthew GONIWE (30) a teacher (elsewhere described as a sales representative) from Umtata.

All were arrested on 19 July by South African Security Police and held under Proclamation R.400 (see FOCUS No. 6 p. 10)

The indictment stated that between January 1974 and June 1976 the accused set up 'secret Marxist cells' in the Transkei. They were alleged to have received money for this and to have set up a poultry farm at Cala to raise funds. In addition they are accused of inciting 16 named people to "undergo training in political instruction or indoctrination in communist ideology by means of studying or reading communist literature." The trial was fixed to start on 15 November (RDM 21.10.76, 9.11.76)

One witness was Hector Ncokazi, leader of the Transkei Democratic Party, detained in July (see FOCUS No. 6 p. 10) who told the court he had been questioned exclusively about the accused, although they are not members of the Democratic Party. Although arrested by the Transkei police, Mr Ncokazi said he had been questioned only by SA Security Police (RDM 30.11.76) Another witness was Frank Ngandi, who said none of the accused knew anything about poultry, and most of the hens had died. (Natal Mercury 29.11.76)

KEVIN MARTIN

Kevin MARTIN, aged 20, a Coloured student, was remanded in custody on charges relating to acting as a courier for the SA Communist Party, after having been in detention since his arrest at Mafeking in April. The trial was due to open on 12 January. (RDM 16.11.76)

Contd. on p. 11.

KNOWN DETAINEES

Approx. date of arrest	Place where held	Name (Age)	Details (where known)
Additions & corrections to previous lists (see FOCUS No. 6 pp. 8, 9 No. 7 pp. 7-9)			
13/8	Pretoria	MOTAU, J.	Acting principal, Mamelodi High School. His successor, Mr H. Muzwayini, was also arrested.
2/9	Cape Town	MEHLOMAKULU, Miss Zora (36)	Initially held under General Law Amendment Act, then after 2 weeks under the Internal Security Act. Secretary of Workers Advice Bureau, Athlone.
16/9	Johannesburg	ZOBANE, Nicholas (22)	An employee of IBM, from Soweto. Released on 8.12.76.
23/9	Johannesburg	KADALIE, Kwezi (22)	Grandson of famous trade unionist Clements Kadalie, he had been living in West Germany, where he acquired citizenship. Visited on 30 Nov. by a W. German consular official, Kadalie was found to have an eye injury.
8/10	Grahamstown	NDWEDISA, Christopher Vuyani (20)	Arrested under GLA Act on same day as 5 others after distribution of leaflets in African townships. (In FOCUS No. 7 p. 9 surname appears as Unyani).
21/10	Pretoria	MUZWAYINI, H	Became acting principal of Mamelodi High School after detention in August of J. Motau.
New detainees 27/10/76-31/12/76			
27/10	Cape Town	GABRU, Mr. Y	Maths teacher at Salt River High School. Arrested shortly after pupils at the school had been interrogated in connection with incidents of damage to teachers' cars.
28/10-12/11	Cape Town	NKENTSHE, Sakhiwo MBEIRA, Monica FASI, Kenneth MAGQWASHU, Hapi MBEYIYA, Noshumi BHEJA, Shepherd MAZANA, Ronnie MNGXEKEZA, Nosisi BAKANA, Norman FESI, Conference FESI, Kidman BOSCH, Jonas	All of Guguletu All of Nyanga ? Brothers from Langa. Released on 16 November. Of Bishop Lavis (a Coloured area)
The above names were published by the SAIRR, which pointed out that at least 27 people were being detained without trial at Victor Verster prison, Paarl. (CT 13.11.76)			
1/11	Pretoria	MOUTLANA, Solomon	Member of Mamelodi High School SRC
1/11	Transkei	NKOSIYANE, Peter N.	Member of the Transkei Legislative Assembly representing Mqanduli, he was arrested with 8 others in connection with the alleged murder of a relative, released and immediately re-arrested under Procl. 400. In the October pre-independence elections he unseated the previous opposition leader Mr. Knowledge Guzana.
1-4/11	Kingwilliamstown	MTI, Mr. Mandisi (22)	A former SASM secretary. Previously detained Feb-Aug 1976.
1-4/11	Kingwilliamstown	TEMBISA Mr. Ntutuzeli (24)	Former SASM member
1-5/11	Johannesburg	LOUW, Ben	Charges under Terrorism Act (see FOCUS No. 7 p. 13) were dropped and he was immediately re-arrested.
1-5/11	Johannesburg	MABASO, Harry Kensana	Matric student at Diepkloof High School, detained with one other in Mohlakeng township.
Early Nov	Johannesburg	MAZIBUKO, Brian MOKONE, Godfrey MABIVA, Elijah	Three students believed to be in detention (RDM 6.11.76)
4/11	Springs	4 African males	Teachers at Pholong Secondary School, Kwa Thema, Springs. (RDM 5/10.11.76)
4/11	Johannesburg	MAREDI, Mr. Raguel	Father of three from Alexandra. News of his arrest emerged when his wife applied to the Rand Supreme Court for news of his whereabouts. In an answering affidavit, a security police major said although the police were not obliged to give any information, Maredi was being held under the Terrorism Act. (RDM 27.11.76)
5/11	Cape Town	NOLUTSHUNGU, Mr. Temba	Youth organiser for the S.A. Institute of Race Relations. Released on 16 Nov.
5/11	Johannesburg	MOFALUTSE, Anna Mmule	Pupil of Madibane High School, detained in Diepkloof, Soweto.
7/11	Johannesburg	SERACHE, Nat (32)	Journalist on RDM & part-time BBC correspondent. Detained with 4 others under GLA on 3/9 and released on 14/9. In October he became acting president of BPC.
8/11	Cape Town	LOUW, Samuel (26)	Teacher at Hanover Park High School. Another teacher at the same school was detained on the same day - Albert FRITS (?)
10/11	Johannesburg	MAVUSO, Mr Fikile (25)	A student at Ngoye (Univ. of Zululand), he was previously held under the GLA Act in September for 12 days.
15/11	Krugersdorp	SEJOE, Dorothy (24) TLHARIPE, Oupa Un-named female SITHOLE, Patrick (14) SITHOLE, Mandla (21) SITHOLE, Moses (18)	Teacher Teacher Teacher Form I schoolboy Brother of Moses Brother of Mandla
?	Uitenhage	TITI, Mr. M.	All were arrested in Mohlakeng Township, Randfontein and taken to nearby Krugersdorp (W. Transvaal). A social worker, he was employed by the Cape Midlands Bantu Affairs Admin. Board but sacked after his arrest & detention under the Internal Security Act. Released on 28 Dec.

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

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KNOWN DETAINEES (Continued)

Approx. date of arrest	Place where held	Name (Age)	Details (where known)		
16/11	Durban	MALUMANE, Oscar K. (21)	3rd year medical student, held under Terrorism Act.		
25/11	Cape Town	SMITH, Bruce Campbell (27)	Art student from Durban, recently visited Johannesburg with Mrs Naidoo (see below). Released on 6 Dec.		
25/11	Cape Town	NAIDOO, Mrs. Jean (38)	Drama teacher, mother of 6 children. Arrested day after evidence in camera to Cillie Commission of Inquiry into Soweto & subsequent disturbances. (Mr Justice Cillie denied any possible connection between her arrest and her evidence.) Her ward, Miriam Gaffoor, also appeared before Cillie and was strongly critical of the apartheid system. Released on 7 Dec.		
25/11	Johannesburg	MAYSON, Mr. Cedric (49)	Former Methodist minister, editor of <i>Pro Veritate</i> , organ of Christian Institute. Arrested while on honeymoon at Mossel Bay at same time as Diakonia House raid (see below), & held under Terrorism Act. Released on 10 Dec.		
25/11	Johannesburg	WYNGAARD, Miss Myrtle	Admin. officer of the Christian Academy & secretary to its director, Pastor Reinhardt Bruckner. Both arrested in police raid on Diakonia House, Johannesburg, HQ of the Christian Institute. Bruckner, a West German Lutheran, was released after 24 hours & allowed to leave the country.		
25/11	Johannesburg	MOSALA, Mrs. Bernadette	Employee of SA Council of Churches, arrested after Diakonia raid. Wife of Leonard. Both of them released on 6 Dec.		
25/11	Johannesburg	MOSALA, Leonard (47)	Deputy leader, Soweto Progressive Party, employee of IBM, member of Soweto Urban Bantu Council. In June, warned of dangers of 'another Sharpeville' 48 hours before Soweto shootings. In custody learned of death in detention of his brother, Thabo, in Transkei (see story p. 5), & was interrogated re leaflets issued by ANC & SACP. (RDM 9.12.76)		
25/11	Johannesburg	NGAKANE, Barney (74)	Director of SACC's university bursary fund & president of the newly-formed Institute of Black Studies (see <i>FOCUS</i> No. 6 pp. 2,9). Previously detained on 30 Aug. but allowed out to settle his deceased wife's affairs, because of "his Christianity and his age." (RDM 17.9.76) Released on 17 Dec.		
26/11	Johannesburg	KHUMALO, Mr. Lovedale (24)	Statistician in the financial section of the 'Star'. Held under Terrorism Act.		
30/11	Johannesburg	SMITH, Ben (34)	A boilermaker & former professional boxer from Kliptown. Held under Terrorism Act, released on 31 Dec.		
7/12	Johannesburg	SIGHO, Isaac (27)	Electronics laboratory assistant with De Beers, until dismissal on 5 Oct. Arrested after bomb explosion in the Carlton Centre in which his right hand was blown off. Minister of Justice Kruger warned this might be start of urban terrorism, urged businessmen to take precautions. Arrest of Mofokeng (below) and Tshazibane (see p. 5) followed quickly.		
7/12	Johannesburg	MOTSISI, Dan (24)	} Brothers	} All arrested in a raid of Rockville, in Soweto.	
		MOTSISI, Earnest (28)			} Brothers
		MELK, Solomon L. (21)			
		MELK, Joseph B. (24)			
		MASHILE, Philemon (19)			
		NKOTSI, Anthony (20)	} Univ. of the North student	}	
		MOLETSANO, Joseph			} Junior secondary school pupil.
		Unnamed (16)			
7/12	Johannesburg	SEAKAMELA, Marks (22)	} Brothers in Dube village, Soweto. Both are school students.		
8/12	Johannesburg	SEAKAMELA, Johannes (21)			
9/12	Kurgersdorp	MOFOKENG, Johannes (24)			
9/12	Kurgersdorp	MATSOBANE, Mike	} Vice-chairman	} of the Krugersdorp Black Parents Assoc. Dan Matsobane is a field officer for the church-backed Agency for Industrial Mission which has recently published a critical report on migratory labour from Lesotho in SA's mines. His associate on the project, ex-Catholic priest Toine Eggenhuizen, was deported in November.	
		MATSOBANE, Dan "Boy"			} Secretary
		NTSOSA, "Hippo"			
10/12	Port Elizabeth	ABRAHAM, Rev. Sam			
10/12	Pretoria	LEGOTLO, Rev. E.K. (44)			
13(?) / 12	Johannesburg	JAMBA, Mr Hope Themba			
14/12	Johannesburg	NTSHUNTSHE, Dr	} Black minister in the NG Sending Kerk (Dutch Reformed mission church), & chairman of the black ministers' fraternal of the 3 black Dutch reformed churches. Released on 23 Dec.		
17/12	Johannesburg	Naboth M. (40)			
31/12	Johannesburg	NGWENYA, Mr Chemist (23)			
		GQABI, Joe (48)			
		</			



MRS MBULA

Mrs Thenjiwa Edith MBULA (aged 50) reappeared in court on 8 November charged with furthering the objects of the banned African National Congress (see *FOCUS* No. 7 p. 13, where the name was given as Mbala).

In the indictment she was accused of being an office bearer/member/active supporter of the ANC, and of reproducing or possessing copies of the pamphlet "Amandla Soweto" with intent to distribute them. (*World* 9.11.76)

MAHOLOBELA

Zacharia MAHOLOBELA (34) appeared in court in Johannesburg under the Suppression of Communism Act charged with taking part in the activities of banned organisations. He was said to have distributed a pamphlet headed "The Voice of the ANC Umkhonto we Sizwe — The War is on". He was arrested in Commissioner St on 21 August. (*World* 30.9.76)

HOFFMAN, PARKER, JACKSON

John HOFFMAN (23), Jiawoodien PARKER (21), and Ishmail JACKSON (22) were charged under the Terrorism Act in the Supreme Court, Cape Town. After initial appearances in October and November their case opened on 9 December but was postponed to 8 February to allow the defence time to prepare. They are alleged to have taken part in terroristic activities by preparing or distributing a leaflet urging a strike. The leaflet is reproduced below. (*CT* 20.10.76, 3.11.76, 10.12.76)

"Oh my fellow oppressed countrymen, you do realize that you and I are bound to eternal oppression in our own country by unjust laws, created, not by God, but by Man — the White Man.

It is every human being's unquestionable right to vote and to have a say in the laws that govern their lives.

Think of your many brothers and sisters who have died at the mercy of the police in their attempts for liberation. They are being shot down by thoughtless police, in an attempt to cripple and scare our society into submission.

In this vital period of a just struggle for freedom against the oppressive forces who, with ruthless and racially orientated minds have directed the destiny of 20 million people, our forefathers, CRC, Indian Council, Homeland and Management Committees have failed hopelessly in their attempts to eliminate the tyranny of this system.

Therefore, my fellow countrymen it is imperative that we strike while the iron's hot, in order to achieve freedom for our people in this our land.

We will start with a workers' strike, whereby we will prove that South Africa's economy is wholly dependent on the Black people.

This is the time to Strike! Don't waste this chance of gaining your freedom. Go to work at your own risk.

Act now! Act on 15 and 16 September. Don't work! Strike! (*CT* 10.12.76)

4000 IN COURT AFTER DISTURBANCES

Over 4,000 people have appeared in court on charges of public violence and riotous assembly arising out of the recent disturbances. Figures collected by the SA Institute of Race Relations from June to the end of October showed that 1,200 had already been tried and 3,000 were still facing charges. During November and December the cases of dozens more were concluded, although many are still in custody or on bail awaiting trial.

By the end of the year at least 1,760 people had been convicted on such charges, with sentences ranging from fines to 3 years' imprisonment and many juveniles being sentenced to strokes of the cane, a sentence carried out immediately, rendering an appeal futile. In addition at least 30 men have been sentenced to longer terms (5 years or over) as a result of being charged under the Sabotage Act (see below)

One of the disturbing things about these cases is paradoxically the high acquittal rate owing to insufficient or confused evidence, which reflects the indiscriminate methods of arrest employed by the police during the demonstrations: virtually anyone who could be caught was held and charged irrespective of his individual role in the disturbances (see *Mamelodi case below*). Thus in cases heard at Vanderbijlpark relating to events on 11 August, when several Africans were accused of stoning the police and shouting Black Power slogans, police witnesses admitted to being unable to identify any of those in court who allegedly were in the crowd. Some, who may or may not have taken part in the confrontation, were arrested later at home. In the end 27 were acquitted. (*World* 21/23.9.76)

On 4 and 5 October during a case involving 23 young people at Tembisa, accused of illegal marching and breaking the windows of police houses in the township, the defence lawyer successfully secured the release of 16 on the grounds that there was no evidence to identify them and that wearing school uniform and running could not on their own constitute an offence. (*World* 5/6.10.76)

As a result, most of those eventually freed by the courts had spent long periods in police custody, often on very flimsy grounds. Even more alarming is the evidence supplied by the police on the way indiscriminate shooting was used as a means of arresting 'culprits'. In a case at Bellville, Cape Town, a police officer stated that he "ordered his men to fire at the rioters because it would be easier to arrest them if they were wounded." When they did so "the crowd scattered but one of the constables found two wounded men lying in a shop." (*CT* 11.11.76) As a result of this practice several of those appearing in court had been shot at and wounded by police. A 19 year old boy from Cape Town was convicted of public violence after being shot in the arms, hip and leg. The magistrate said he deserved a stiffer sentence but as he would probably be a cripple for life he would only send him to jail for six months. (*CT* 9.11.76)

In Johannesburg a police officer told the court that five men from a crowd in Alexandra on 11 August were later seen at the police station bleeding with buckshot wounds, inflicted by the police. The same men were later charged with public violence and malicious damage. (*RDM* 25.11.76)

MAMELODI

Forty eight men and boys from Mamelodi township, Pretoria, stood trial during October and November accused of public violence in the township on 21 June. Specific charges included stoning vehicles, setting fire to a beer hall and a hostel, and inciting others to riot.

On 20 December 35 of those accused were convicted and 13 found not guilty. All 35 were sentenced to three years in prison, some with periods conditionally suspended. The magistrate said it was clear that the rioters had demonstrated support for 'Black Power', which indicated that they intended to disturb peace and stability. (*RDM* 21/22.12.76)

The trial began with allegations of assault by the police from the accused, several of whom stated that they had signed confessions under duress. One 17 year old boy said that, like others, he had been hit by police to force him to admit to having taken part in the stoning of Mamelodi hostel. He had also been promised cigarettes, bread and fish and chips if he co-operated. The magistrate eventually ruled that the statements had not been made under duress. (*World* 24.9.76, 13.10.76)

In their own defence several of the accused said they had been arrested after seeking protection from the disturbances with the police. The picture that emerges of events on 21 June is that police control of the situation was minimal, and that while some of those on trial may have participated in the demonstrations many others were simply 'identified' as having done so because they were in police custody.

Thus Jacob Mohale said he was picked up by the police 'for his own protection' some distance from the crowd. He was taken to Mamelodi police station and two days later charged with rioting. A similar statement was made by John Sechele, who said he had been on his way to the local welfare office when he was ordered to climb into a police van for protection. Later he was told he had been arrested for stoning vehicles. (*RDM* 9.11.76, 2.12.76)

Other men had been at work on 21 June when the incidents took place and were arrested afterwards apparently fortuitously. Peter Zwane returned from his job with Pretoria Public Works Dept. at 6.20pm to find that his brother had been shot dead during the afternoon's disturbances. When he went to the police station to report this he was told to stay the night for his own protection. But instead of being released in the morning he was taken away and 'identified' as one of the rioters. Zwane's white supervisor testified that he had been at work

African National Council, appeared briefly in

Noone was injured in the attack and damage to and "four others", had their sentences reduced

12

from 7.30 to 4.40 and therefore could not have taken part in the rioting. Another man, Piet Shitaba, said he had been at work all day and not arrested until 8 July. He alleged that one of the state witnesses had admitted being told by the police what to say in court and that he had in this manner identified Shitaba as one who stoned the hostel. Norman Mhlangu was also arrested after the event, on 9 July, and stated that he had in fact been away attending a funeral in Hammanskraal from 18-24 June and could not have participated in the rioting. (RDM 1/2/3.12.76)

Those convicted were: Samuel SEHALE (21), Ezekiel MOGASE (32), David MALATSI (25), Piet SHITABA (27) and a 17 year old youth - all sentenced to three years imprisonment without suspension; Andries MALEBE (27), Charles MATSENGOANE (20), David LEKGOTHOANE (23), Asaph TSEKA (27), Bennett MOHLATI (19), Godfrey MADIBA (22), Isaac MAFA (21), Meshack MAPEA (21), John SECHELE (38), Gabriel PHOSA (18), Jeffrey SONGO (20), Aaron KGWETE (19), six 17 year olds and two 16 year olds - all sentenced to three years with 12 months suspended for three years; Rodgers SHAKWANE (22), four 17 year olds and two 16 year olds - each sentenced to three years with part suspended for 18 months; one 17 year old - sentenced to three years with two suspended (RDM 23.12.76)

SABOTAGE

Over 30 men have been sentenced to five years' imprisonment or more after being convicted of 'sabotage', usually in the form of setting fire to Bantu Education schools and other state institutions.

As with other cases arising out of the recent disturbances (see above) in view of the large numbers of people involved and the police methods of random arrest the identification of those responsible is doubtful. Charges under the Sabotage Act and the severe sentences imposed in selected cases appear to have been intended either as retributive or as warnings to others; in many other cases involving arson, lesser charges of public violence or malicious damage have been preferred, with correspondingly lighter sentences. The following list gives details of those convicted of sabotage:

222 Sept. Bloemfontein.
Ernest Sello MOENG (21), student at Strydom Teachers Training College, Thaba Nchu, accused of setting fire to the college on 23 July.
Jailed for 5 years. (W. World 24.9.76)

ibid
16 year-old-boy, accused of setting fire to Marang Primary School on 26 July.
Jailed for 5 years. (W. World 24.9.76)

226 Sept. Bloemfontein.
Alfred QITHI (19) accused of setting fire to Ihobe School on 20 August.
Jailed for 5 years. Four others accused with Qithi were sentenced to 15 months (6 conditionally suspended) (World 30.9.76)

219 October. Springs.
Johannes NDLOVU (24), Abner MKENZA (20) Sidney SENANCE (18), Campbell NGALO (19), Gilbert CHAWE (18) and Thomas MABUZA, all of Katlehong, Germiston,

accused of setting fire to a shopping centre on 18 June.

All jailed for 5 years. (NM 20.10.76)

2 November. Daveyton.

Simon FANA (21), head boy of Mabuya High School, Sidwell PHATHEKILE (21) and Sidwell NMUNGUNI (22) both students at Mabuya High School; John SHIDOMO (26) and Ardinot SIPETHA (30), both clerks at the Bantu Administration Board, and a 17 year old boy, all accused of arson.

All jailed for 5 years. (RDM 3/9.11.76)

2 November. Bloemfontein.

Jacob SEJAKE, accused of setting fire to Itemoheleng trade school, Witsieshoek, which he attended.

Jailed for 5 years. (ibid)

8 November. Johannesburg.

Ewart ZAKWE (18) accused of cutting a signal cable near Inhlanzane station in Soweto, where his companion was shot dead.

Jailed for 10 years.

In court Zakwe said he was avoiding a mob on the railway bridge when confronted by police. The court ruled that the proximity of Zakwe and his dead friend to the damaged cable was sufficient evidence. (World 9.11.76)

9 November. Cape Town.

Bertram Leon CONSALVES (18), post office worker and Rudolf Leonard KNIGHT (18), law student at University of the Western Cape, both accused of setting fire to a school and a post office on 9 and 11 August.

Both jailed for 6 years.

ibid.

Frank Leo COUTRIES (18) and Lesley Ivan SELEKA (22) both theological students at UWC, accused of setting fire to the post office with Consalves and Knight.

Both jailed for 5 years.

In this case, evidence was given by an accomplice who turned State's witness, and by a police informer at UWC. Consalves and Knight were said to have spoken of the necessity of "we brown people" standing together with the blacks of Soweto and attacking state property. The following night they, with the informer, gave out leaflets affirming Coloured solidarity with the people of Soweto. (CT 10-13/17-19.11.76)

10 November. Springs.

Samuel NTOMBELA, and a 16 year old boy, accused of burning a train carriage in August.

Both jailed for 5 years.

It was alleged that the carriage was gutted by fire on 1 August and the matter handed to the police for investigation. The two accused were arrested on 19 August while travelling with others on another train. In defence both said that their statements admitting the offence had been prepared for them and signed after assaults by two policemen. Ntombela said he had been at home on 1 August and knew nothing of the fire. (World 11/12.11.76)

24 November. Pretoria.

Arthur MKHWANAZI (38), clerk at Kalafong Hospital, and Patrick MOLALA (39), also a clerk at Kalafong Hospital and football player with Pretoria Callies African team, both accused of having petrol bombs in Atteridgeville on 24 October.

Both jailed for 7 years.

In court both claimed they had signed dictated confessions following electric shock torture. (RDM 25.11.76)

24 November. Johannesburg.

Palos LEKHULA (19) and Ronald MKHIZE (22) both accused of setting fire to a railway ticket office in Soweto on 19 September.

Both jailed for 5 years. (RDM 25.11.76)

26 November. Springs.

Elliott RADEBE (20), Karel MANAKA (19), Henry CONJWA (20) and a 17 year old boy, accused of setting fire to Katlehong High School in Germiston. Office and vehicles of East Rand Administration Board were also burnt.

All jailed for 5 years. (RDM 27.11.76)

3 December. Cape Town.

Tom MOSES (23) pleaded guilty to setting fire to the paper section of a Bakke Industries factory near Paarl where he worked as a quality inspector.

Jailed for 12 years.

At the trial, it was alleged that Moses had displayed placards urging workers to strike on the night before the fire, and had threatened that the factory would be set alight. (RDM 4.12.76)

ibid.

Joseph PLAATJIES (21) and Owen Solomon STUURMAN (20) both students at the University of the Western Cape were accused of having placed petrol, a homemade time bomb and a candle on the roof of the UWC men's residence on 1 September.

Both jailed for 5 years. (RDM 4.12.76)



Newly released detainees: Joyce Seroke, Oshadi Phakathi, Sibongile Kubheka and Debs Matshoba (RDM 29.12.76)

29 NEW BANNINGS

In November the South African government took action against a number of people, mostly white, by imposing banning orders to restrict their movements and activities. In most cases a banning order means the victim must leave his job and forego a normal social life, as well as reporting regularly to the police. In some cases partial house arrest is also involved.

The recent bannings were concentrated on two groups: trade union advisors and organisers (eight in Natal, five in the Transvaal) particularly those associated with bodies endeavouring to help African workers exercise their rights under SA labour laws. Three people were banned from the Urban Training Project in Johannesburg, an organisation established to aid and advise a number of African trade unions (legal but unrecognised). It does educational work for the unions and helps to run a legal aid clinic for workers.

In Natal several of those banned were associated with the Trade Union Advisory and Co-ordinating Council (TUACC), representing five African unions, and the Institute of Industrial Education (IIE), a service organisation for TUACC unions. As far as is known, these organisations exist to help workers exercise their rights within the law, and have not sought or provoked political confrontation with the authorities. The UTP in particular has adopted a non-political approach to black trade unionism. The banning orders may be designed to hinder the already difficult task of African worker organisation.

The second group to be served with banning orders are mainly university students or associates. Most were in the Cape Town area and thought to be involved with the UCT Wages Commission investigating black working conditions and wages. The Commission has published several newsletters on workers' conditions which were distributed to workers and subsequently banned by the government. It also gives advice to workers on their rights under the law.

NEW BANNING ORDERS

Marius SCHOON of Johannesburg. Political prisoner released earlier last year after serving a 12-year sentence for attempted sabotage. Banned from attending all meetings and gatherings until 30 September 1981. (RDM 8.11.76)

Sheila WEINBERG aged 31 of Johannesburg. Secretary of the Human Rights Committee, which bases its demands on the UN Declaration of Human Rights and publishes an irregular bulletin detailing current repressive actions by the authorities, all of whose issues have been banned. Ms. Weinberg was detained in 1964 for 65 days without trial and later served a short prison sentence for painting a slogan. Both her parents are also subject to banning orders, though her father, Eli Weinberg, recently left South Africa.

Sheila Weinberg's banning order includes a 12 hour house arrest order prohibiting her from leaving the house between 6pm & 6am. (CT 11.11.76)

Loet DOUWES-DEKKER, chairman of the Urban Training Project in Johannesburg and part-time lecturer in industrial sociology at Witwatersrand University. Also an executive member of the newly-formed Institute of Industrial Relations and described by a colleague as a leading figure in industrial relations in South Africa. Formerly Douwes-Dekker was with TUCSA and the clothing industry industrial council in the Transvaal. (RDM 17.11.76)

Eric TYACKE, secretary of the Urban Training Project since it began in 1971 and full-time director. Formerly general secretary of the Engineering and Allied Workers Union and the Laundry & Dry Cleaning Workers' Association, he left the TUCSA African Affairs Section when TUCSA barred African unions in 1969. Earlier he had founded the Young Christian Workers movement in the 1950s. (RDM 17.11.76)

Jean TYACKE, administrator of the Urban Training Project and wife of Eric, with whom she earlier worked in the Young Christian Workers. The Tyackes were described by a leading churchman as 'committed Christians who lived to bridge the gaps between the races'. (RDM 17.11.76)

Sipho KUBEKHA, aged 23, secretary of the Metal & Allied Workers Union (MAWU) branch in Johannesburg. Also a member of the Industrial Aid Society providing educational and legal aid facilities for workers. In March Mr. Kubekha was involved in a confrontation between workers and police at the Heinemann Electric factory in Germiston. Later he was charged with inciting workers to riot and fined R45. (See FOCUS No. 5 p. 14, No. 7 p. 13)

Gavin ANDERSON, aged 24, MAWU organiser and like Kubekha involved in the Heinemann Electric incidents and subsequent prosecution (when he was fined R90). (RDM 18.11.76; Times 19.11.76)

Alpheus MTHETWA, general secretary of the MAWU and based in Natal since 1974. MAWU is one of the unions affiliated to TUACC.

John COPELYN, secretary of TUACC and also with the Textile Workers Industrial Union in Natal.

Chris ALBERTYN, secretary of the Textile Workers Industrial Union.

Jeanette MURPHY, former secretary of TUACC, and employed by the Institute of Industrial Education (IIE), who was previously banned until May 1975 when the order was lifted.

Mike MURPHY, husband of Jeanette and acting secretary (part-time) of the Transport and General Workers Union in Natal. Also associated with the IIE.

Charles SIMPKINS, lecturer in economics at University of Natal and former research officer for IIE.

Patricia HORN, education officer with the IIE, engaged in literacy projects for black workers.

Mfundise NDLOVU, MAWU organiser in Pietermaritzburg since 1974.

Jeanette CURTIS, archivist with SA Institute of Race Relations in Johannesburg and former official with Industrial Aid Society, providing educational and legal advice for workers. (RDM 19.11.76; GN 19.11.76; FT 19.11.76)

Jack Philip LEWIS, student at Rhodes University, detained in October (see FOCUS No. 7 p.9) and state witness in the trial of Zotwana and others (See under POLITICAL TRIALS).

Lewis's banning order confines him to his home district of Cape Town. (Natal Mercury 20.11.76)

Graeme BLOCH, recent graduate in economics from University of Cape Town (UCT). Member of SRC for past two years and president of newly-formed Students for Social Democracy.

Debby BUDLENDER, economics student at UCT, past SRC vice-president and member of Wages Commission.

Willie HOFMEYER, economics graduate from UCT and executive member of Wages Commission.

Judy FAVISH, literacy project worker with Western Province Workers Advice Bureau, which assists African workers in Cape Town. Several other staff members have been detained (see FOCUS No. 7 p. 6) one of whom died in detention.

Wilma VAN BLERK, worker with the Food and Canning Workers' Union in the Western Cape, one of the oldest unions in South Africa.

Mary SIMONS, lecturer in comparative African government at UCT, thought to have no connection with the Wages Commission.

Tanya SIMONS, librarian at UCT and sister of Mary. Both girls are the daughters of Professor Jack Simons, former head of the department of African government and law at UCT until he was banned as a communist and forced to leave his job and the country. He now lives and works in Lusaka with his wife Ray Alexander, a former trade union leader and now working with the SA Congress of Trade Unions (SACTU).

Elijah LOZA, longstanding African trade unionist. Loza was formerly secretary of the African Commercial and Distributive Workers Union and Cape Town chairman of the S.A. Congress of Trade Unions. The first person to be held under the 90-day law in May 1963, he was re-detained after three months, charged with 44 others in November 1963 (the Goodwood trial) sentenced to 6 years but eventually acquitted on appeal. He was then put under 24-hour house arrest and spent ten years under banning orders.

Jeremy BASKIN, UCT student and chairman of the UCT Wages' Commission. Detained during August under the General Laws Amendment Act (see FOCUS No. 6 p. 8) (CT 26.11.76)

Gideon COHEN, aged 22, Rhodes University graduate and former economics student at UCT. (RDM 30.11.76)

Eric ABRAHAM, aged 22, freelance journalist who founded and ran the South African News Agency (SANA) which published bulletins mainly relating to black and Namibian news. He also contributed to overseas newspapers such as the British *Guardian* and the Swedish *Dagbladet* and was pursuing sociological research at UCT. Early in January 1977 he escaped via Botswana to England. (GN 30.11.76, 10.1.77)

S.R. MAHARAJ ('Mac'), former political prisoner sentenced to 12 years' jail in 1964 for sabotage and membership of ANC Umkhonto we Sizwe military wing. He was served with a banning order on his release from Robben Island, and is confined to his home from 6pm to 6am. and at weekends and holidays. He may not enter any African area or factory and is forbidden to address or instruct any meetings or pupils (Times 21.12.76)

BAN LIFTED

Paul PRETORIUS, former student leader banned in 1973 for his activities in NUSAS together with seven other white students, had his banning order lifted after representations to the government (Times 10.12.76)

namibia

RISING ANGER AT BANTU EDUCATION

Frustration and resentment at the extension of apartheid education to Namibia erupted during the closing months of 1976 into a striking display of solidarity with South African students. From the beginning of November, black students at schools throughout Namibia boycotted examinations being held under the terms of the Bantu Education Act and therefore not recognised abroad. Political leaflets have been circulated attacking Bantu education as the "instrument of the homelands policy". At one school in Damaraland, police were reported to have baton-charged a protest gathering of children carrying placards showing their solidarity with the victims of the Soweto demonstrations and objecting to the Bantu education system. Troops from the nearby Otjiwarango military training camp were also called in in five armoured cars. One girl was reported to have been admitted to hospital with injuries incurred during police attacks. (RDM 16.11.76; CT 16.11.76; WA 26.11.76)

On 15 November, petrol fires erupted in four places in the Augustineum Training College, Windhoek, causing damage to a classroom, the headmaster's office, the hall and a storeroom. A number of students were subsequently arrested and taken in by the police for questioning, leading to further protests and boycotts of classes by their colleagues. According to a press statement issued at the begin-

ning of December by the Voice of the People, a black political organization, six students — Johannes Boois, Dawid Mazian, Samuel Mukunda, Johannes Mukunda, Isak Frederick and Bertus Petrus — were then being held in Katutura goal. Eddie Goraseb had also been removed from classes by the police. (WA 24.11.76, 2.12.76)

Exams and classes are also reported to have been boycotted at the Martin Luther School in Omaruru, the Tses High School in Bersbas, St. Therese High School, David Goraseb High School, Petrus Kaneb Secondary School, and the Okakarara High School in the far north-east of the country. According to the Namibia Black Students Organisation (NABSO), 70% of the students at Okakarara demonstrated and marched with placards to show their rejection of Bantu education, and both here and at Kharixas in Damaraland were maltreated by South African armed forces and officials. In a statement calling for the immediate release of detained students, NABSO pointed out that the Okakarara students had been told by representatives from the Turnhalle that they must wait for solutions forthcoming from the Turnhalle constitutional talks. Yet all such decisions were being blocked by the bantustan policies of the whites. Bantu education, the NABSO statement continued, "is the foundation of racism and group identity; it is there to prepare

Black students for a third-class citizenship. It is a propaganda machinery of apartheid dehumanization and discrimination." (WA 14.12.76)

Although there has been little in the press, it appears that classes are continuing to be boycotted at a number of schools. It is not known how many students have been detained but a group from the Martin Luther High School are due to appear in court in February.

Meanwhile, approximately 237 Nama teachers have been sacked from their jobs by the Department of Coloured, Rehoboth and Nama Affairs, for disobeying a departmental order to return to work. On 9 November, teachers throughout Namaland went on strike in a demand for better pay in line with the salaries paid to Coloured teachers (with whom they are grouped under South Africa's racial classification scheme), and the building of more high schools for Namas, particularly one in an urban area. On 9 December, all those still absent from work were informed that because of "misconduct" their services as teachers were no longer required. Despite requests from the South West Africa Nama Teachers Association (SWANOV), Mr. Hennie Smit, Minister of Coloured, Rehoboth and Nama Affairs, had refused to meet the striking teachers to discuss their grievances. (CT 10.11.76; WA 10.12.76)

APARTHEID ARMY FOR NAMIBIA

South African plans to recruit Namibians for military service on tribal lines are now being put into practice in the southern part of the country, and in particular, among the Rehoboth Basters. Embryonic "homeland" armies have been in existence in the northern bantustans of Kavango and Ovambo for nearly a year, and could presumably be incorporated into plans to set up a nation-wide "all race army". About 500 Ovambos and Kavangos are now serving in the Permanent Force. According to SWAPO, General Malan, Chief of the South African Army, visited Namibia towards the end of 1976 to promote such an indigenous defence force, which seems intended to lend credibility to attempts to confer independence upon the territory on an ethnic

basis. The military units being set up in the homelands, however, are ultimately controlled by the South African armed forces. (Namibia News Vol. 9 Nos 10 & 11, Oct/Nov 1976; FOCUS No. 3 p. 12; Star 4.12.76)

In November 1976, around 50 Basters began training near Rehoboth under South African Defence Force and white commando instructors, as the nucleus of a Baster Commando unit. The first intake, who were reported to be equipped with fatigue uniforms and RI rifles, were mostly young men, but included at least one Baster who had served in the South African Army during World War II. The unit, whose members are to receive training, equipment and wages on a par with whites, is expected to reach company

strength — 120 men — in the first quarter of 1977. (WA 25.11.76; RDM 26.11.76; Star 4.12.76)

The possibility of recruiting similar defence units from the Coloureds, Hereros, Namas, and Damaras is also under consideration. (A South African coloured infantry unit, the Cape Corps, has been actively deployed in the northern Namibian operational zone since at least August 1976 — for the first time since World War I. SWAPO has also alleged that black troops from the Transkei are being used in Namibia). About 120 Namas attended a meeting in Gibeon at the beginning of December addressed by Colonel Daan de Villiers, Commandant of Commando Group 28 in the South African Defence Force, and Commandant

Jurie Swanepoel of SWA Command Headquarters, on the possibility of starting a military unit for the Namas. Sources close

to SWAPO have reported that Namibians are being trained at a base near Okahandja as part of the same movement. (GN 27.11.

71; WA 27.8.76, 4.12.76; Star 4.12.76; Namibia News *ibid*)

DEATH SENTENCE & THREE GAOLED

Four of the seven people previously reported to be awaiting trial in the Keetmanshoop Supreme Court on charges under the Terrorism Act are now known to have been sentenced. SACHARIA NASHANDI, RISTONAKANYALA (34), MARIUS ISAK (24), also known as Marius Melchior, KAREL NAMPALA (26), SOLOMON MBANGO (21), GABRIEL WILLEM (20) and FILEMON NANGOLO (25) were all arrested in April 1976 for their alleged involvement in the "Kalkhugel" and "Okatjiho" murders in December 1975 and February 1976, and were due to appear in court for summary trial on 30 August. (See FOCUS No. 5 p.7; No. 6 p.4)

In the event, the accused were convicted separately and on varying charges. On 14 September FILEMON NANGOLO, from Ovamboland, was sentenced to death by Mr. Justice Badenhorst at the close of a two week trial in the Windhoek Supreme Court. He was found guilty on 4 counts of murdering Mrs. Shirley Louw and her 12 year old son Bertus on the farm "Kalkhugel", and Mr. and Mrs. Gerd Walther of the farm "Okatjiho". A fifth charge of theft fell away. Alternate charges under the Terrorism Act had been laid against Nangolo, but did not figure in the final judgement. The accused, who had been paralysed from the waist down in the course of a police shoot-out leading to his arrest in Katutura township in April 1976, appeared in court in a wheelchair. While the trial was in progress, his companion, Kanisius Heneleshi, who had evaded capture by the security forces

for a period of more than 4 months, was mortally wounded in a gun battle with police on the outskirts of Windhoek, and subsequently found dead in the veld. (WA 7/14.9.76)

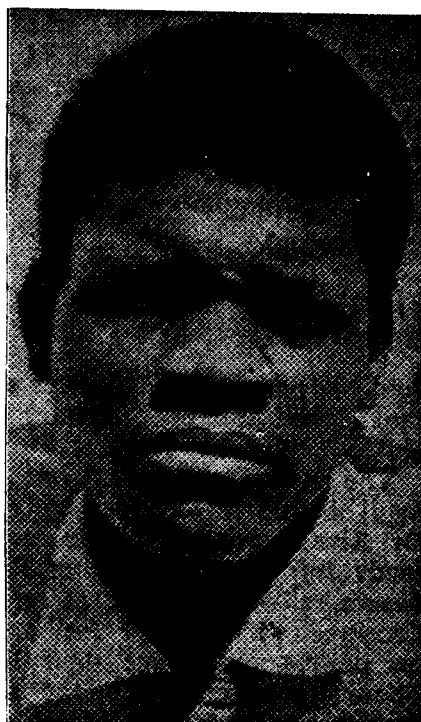
Nangolo told the court that he had teamed up with Heneleshi during an 8 month stay in a guerilla training camp in southern Angola. He had previously earned R21 a month working in an ice-cream factory in Windhoek. In 1974 he had decided to go to Zambia, where he had heard that wages and conditions were much better. (WA 13.9.76)

In October, Mr. Justice Badenhorst turned down an application from Nangolo for leave to appeal against sentence and judgement. (WA 13.10.76)

On 30 September KAREL NAMPALA and GABRIEL WILLEM were each sentenced before the Windhoek Supreme Court to 7 years imprisonment, 3 years suspended in each case, on conviction of housebreaking with intent to steal and robbery — offences which they were alleged to have committed in the company of Heneleshi and Nangolo. Solomon Mbango, who was also alleged to have been involved, gave evidence for the State. During the trial, Nampala stated that he had been repeatedly tortured over the 4 days following his arrest, to force him to give information to the police. In addition to being electrically shocked with a machine which he described as "small" and having "two leads", he had been shackled to a broom handle placed between his legs while an inner tube was used to stifle his breathing. Policemen

kicked and beat him in turns, calling him a "terrorist". He had eventually been unable to stand any more and had given the police a statement. (WA 16/30.9.76)

On 14 October, MARIUS ISAK was found guilty under Section 3 of the Terrorism Act of aiding and abetting Nangolo and Heneleshi, and sentenced to 8 years imprisonment. (WA 15.10.76)



Filemon Nangolo — sentenced to death

MUCHIMBA & SHIKONGO

The appeal by four SWAPO members convicted and sentenced under the Terrorism Act on charges arising out of the assassination of Chief Filemon Elifas of Ovamboland will be heard in the Appellate Division on February 15, 16 and 17 by three Judges of Appeal.

AARON MUCHIMBA, SWAPO National Organising Secretary, and HENDRICK SHIKONGO were sentenced to death on 12 May 1976 by Mr. Justice Strydom in the Swakopmund Supreme Court. Leave to appeal was refused at the time but was later allowed after evidence of gross irregularity in the conduct of the trial had come to light. In June, the Windhoek Supreme Court granted an application by the defence for a special

entry to be made on the court records. Ms RAUNA NAMBINJA and Ms ANNA NGAIHONDJWA, sentenced to 7 and 5 years imprisonment respectively, have also been granted leave to appeal. It is

highly probable that the defence will press for a complete retrial of the case. (WA 8.12.76; and see FOCUS No. 4 pp. 3-4, No. 5 pp. 6-7 and No. 6 p.4 for detailed accounts of the trial).



rhodesia ZIMBABWE

MASSIVE PROTEST AT STARVATION WAGES

Nearly 800 black bus drivers, conductors and mechanics were arrested on Christmas Eve in a massive swoop by Rhodesian police for taking part, in the Smith regime's terms, in an illegal strike. The men, all employees of the Salisbury United Omnibus Company, staged a walk-out after negotiations with management to secure an improved Christmas bonus offer had broken down. They were immediately picked up by the police and spent the long Christmas weekend in Chikurubi prison outside Salisbury.

Under the discriminatory laws in force in Rhodesia, black workers are effectively debarred from taking "legal" strike action, even in those areas of the economy where some limited industrial organisation has been possible. The all-embracing Law and Order (Maintenance) Act, for example, provides for a prison term of up to 10 years for anyone who "does any act which is likely to hinder or interfere with the carrying on of any essential service" — the latter being defined to include virtually every economic sector of any significance. The penalty for encouraging or helping others to go on strike is up to 5 years imprisonment. More specifically, Section 141 of the Industrial Conciliation Act (Chapter 267 of Rhodesia's Statute Law, 1974 revised edition) prohibits strikes in the light, power, water, sanitation and fire services, and lays down stringent controls on industrial action in other sectors of commerce and industry.

The workers arrested in Salisbury on Christmas Eve were in due course charged under the Industrial Conciliation Act and on 28 December, 20 of the bus drivers were each fined Rh \$40, with an alterna-

tive of 40 days imprisonment, by a Salisbury magistrate's court. They were cheered and carried shoulder high by friends and relatives as they left the courtroom. The remaining 776 workers appear to have been released by the following day after being asked to sign admissions of guilt preparatory to the imposition of similar RH \$40 fines. The vast majority, however, were later sacked by the bus company (*RDM 28.12.76; GN 29.12.76; BBC 30/31.12.76*)

The background to these Christmas court appearances has been formed by a countrywide series of protests at rising prices and inadequate wages. From the early part of November onwards thousands of black workers in five urban centres including Bulawayo, Que Que and Gwelo boycotted bus services, municipally owned beer halls and bakers' shops. The boycotts began in Bulawayo where the Rhodesian Omnibus Company (ROC), despite protests from black residents' associations, trade unions, and the Township Advisory Board, introduced fare increases of 1-3 cents on certain routes from 1 November. The black workers' representatives argued that inflation (running at around 12%), short-time working in many firms, low wages, unemployment and recent increases in rents, electricity and hospital fees made the new fares intolerable. In the face of the company's argument that the fare increases were the inevitable consequence of escalating running costs, they pointed to a 38% improvement in ROC's taxed profits over the 1975-6 financial year. The largest shareholder in ROC is in fact a British company, United Transport Overseas (UK), with 60.2%.

Another British company, Electra Investments Rhodesia, holds 2.6% (*FM 3.12.76*)

By the end of November, ROC buses in Bulawayo were still operating with only a quarter to half their normal number of passengers as Africans walked to work from the black townships, and a partial boycott was reported to be still continuing two weeks later. Boycotts of ROC buses in Gwelo, and of the United Bus Company in Que Que, both towns in Rhodesia's Midlands, started on November 22 and 19 respectively. By that time, the boycotts had spread to municipally-owned beer halls, 15 of which were closed in Bulawayo over a three-day period. In Que Que, the bakery boycott, partly in protest at a price increase of 12.5% on 25 October, caused a 60% drop in bread sales. (*FM ibid; RH 20/24/27/30.11.76*)

In January, thousands of black workers boycotted bus services in Salisbury in protest at the dismissal of the strikers. (*see above*) (*T 6.1.77, BBC 5.1.77*)

According to recent evidence collated by Dr. Duncan Clarke, a former University of Rhodesia economics lecturer, 56.1% of African workers in the non-agricultural sectors were in 1975 receiving a monthly cash wage of less than Rh \$40. This was just 21 cents above the Poverty Datum Line, as revised in June 1975, for a childless couple. The study concluded that the wage structure for black workers remained "palpably inadequate" at the end of 1976. Statistics published by the Smith regime itself in its latest report on income tax show that only 4% of all individuals liable for income tax were African, in a country where the black majority outnumbers the white by 22 to 1. (*FM 3.12.76; BBC 24.12.76*)

POLITICAL TRIALS

SPECIAL COURTS

There appears to have been a break in press reporting of trials before the Special Courts for around a month from the end of September — the time of the Kissinger shuttle and Smith's acceptance of the principle of majority rule within two years. Special Court trials and convictions are known to have continued in the districts during and since this period, as often as not in open court, but have not been covered by journalists. A number of reporters from the Rhodesian and South

African press were posted in Geneva from late October, while the worsening security situation in the operational areas may also have been a factor. Press reports of Special Courts did resume towards the end of October, but in the main have been of trials in Salisbury and Bulawayo only. It appears that a decision has been taken to hold a greater number of hearings in these major cities. Convictions were reported in late November from Special Courts in Umtali and Chiredzi. Since the opening of the Geneva Conference, 7 people are reported to have been sen-

tenced to death for political offences under the Law and Order (Maintenance) Act, while 10 have had their appeals against the death sentence dismissed in the same period.

22(?) October: Salisbury

TAMAYI ISBORE, 27, a quarry worker from the Mtoko area, was sentenced to life imprisonment on conviction of possessing arms of war. He was alleged to have supplied explosives to a man called Philip, his uncle, subsequently used to cause blasts on railway lines and a beerhall in the Greater Salisbury area. A CID officer who visited Isbore's kraal on 28 July, a week after the Pink Panther and La Boheme res-

taurant bombings, (see *FOCUS* No. 6 p. 14) found him in possession of 65½ sticks of commercial gelignite, a length of safety fuse and detonators. Isbore, who pleaded not guilty, maintained that he was delegated by the quarry to look after left-over explosives at the end of the day. (RH 21/23.10.76) (Philip Nyagu was one of 9 men sentenced to death in August/September on conviction of causing explosions in the Salisbury area. See *FOCUS* No. 6 p. 14, No. 7 p.3, and below)

2 November: Bulawayo

TITUS MATSHAZI, a businessman of Luveve township, Bulawayo, was sentenced to 7 years imprisonment, 2 years being conditionally suspended, on conviction of failing to report the presence of guerillas before the expiry of the 72 hour deadline prescribed under the Law and Order (Maintenance) Act. He was said to have met the guerillas on 27 August, but to have reported them to an off-duty police constable only on 30 August. (RH 3.11.76)

3 November: Bulawayo

SAUL NDUNA was sentenced to 15 years imprisonment, LEMSON MATUMBA PHIRI to 12 years imprisonment, and MULILAMANGO DANIEL MLAUZI to 10 years, on conviction of possessing arms of war. All three men came from Gwanda. (RH 4.11.76)

10 November: Salisbury

ZAKARIYA GAISSON, 27, a spirit medium, and RABISON CHAKABUA, 45, his assistant, both from the Kandeya TTL, were each sentenced to 16 years imprisonment on conviction of failing to report the presence of guerillas to the authorities. It was alleged that a seance had been arranged for a group of guerillas seeking advice on how to gain protection from the Rhodesian security forces. (RH 9/10/11.11.76).

15 November: Bulawayo

MOSES MASUKU MASINA, 25, the vice-chairman of the Luveve West branch of the Youth League of the African National Council, was sentenced to death on conviction of a range of offences under the Law and Order (Maintenance) Act, including sheltering guerillas over a period between July and September 1976. The charges arose out of a gun battle at Mr. Masina's home in New Luveve, an African township about 11 km from the Bulawayo city centre, on the night of September 1/2. A white Detective Section Officer was killed when police attempted to arrest an African, allegedly a guerilla, in a midnight raid on the house. The African, subsequently identified as Rogers Nkala, alias Solomon Maphosa, and alleged to have been responsible, as a member of a guerilla group, for the deaths of three whites and attacks on two others over a 5 month period, was also shot dead, as was an off-duty African police constable caught in the cross-fire. The incident received

considerable publicity at the time as the first occasion on which shots were officially admitted to have been exchanged between security forces and a guerilla in a major urban centre. A number of people were subsequently brought to trial, including Moses Masina's wife, Patricia Masina, who was sentenced in October to 5 years imprisonment, 2½ suspended, for failing to report 3 guerillas who had allegedly stayed at her house, (see *FOCUS* No. 7 p. 4) Moses Masina himself was convicted of providing guerillas with food, drink and accommodation, failing to report their presence, and of recruiting 23 young Africans for guerilla training in Botswana and transporting them to the border. He was found not guilty of the murder of the white Detective Section Officer. In a statement of agreed facts, the Court was told that Masina had joined the ANC in 1975. In mitigation, he pleaded that he was recently married and had a young child. (RH 3/4.9.76, 3/16.11.76)

16 November: Salisbury

BULOGNA WIRESI, 27, was sentenced to death on conviction of laying a landmine in the Kariba area on 30 July 1976. A vehicle had subsequently detonated the mine, but no-one had been injured. ALFRED JOHN, 25, was sentenced to life imprisonment for the same offence. Passing judgement, the Court President, Mr. Justice Beck, said there was evidence that Wiresi was dissatisfied over the pending removal of the kraal dwellers into a collective village. "The probability," Mr. Beck said, was that Wiresi "thought that by laying a landmine in a road he could persuade the authorities from undertaking the move." (RH 16/17.11.76)

18 November: Bulawayo

NEHEMIAH MAPHOSA, a schoolteacher from the Gwanda TTL, was sentenced to life imprisonment on conviction of three charges of persuading young boys to be trained as guerillas outside Rhodesia. Some had tried to go to Botswana but had later returned to their homes. A police officer told the Special Court that since January 1975 about 700 people, their ages ranging from 14 to the middle 20's, had left the area for guerilla training. (BBC 20.11.76; RH 19.11.76)

23 November: Chiredzi

JASPER MUPHAMBARA, 19, of Melsetter, and ONISIMO SIMBA CHARAMBA, 21, of Mtoko, were sentenced to death on conviction of possessing arms of war. Both denied having 1,700 rounds of ammunition, an AK rifle, 5SKS rifles, 8 hand grenades and various landmines, mortar and bazooka tubes. Both were alleged to have been members of guerilla groups. (RH 24.11.76)

26 November: Umtali

GILBERT MATASANHURA, 23, from Inyanga, NICHOLAS MANGWEZA, 21, from the Maran-

dellas area, and RUGERA MUTAMBA, 20, from Charter, were all sentenced to death on conviction of guerilla activity. Each had been captured following contacts with security forces, Matasanhura in the Honde Valley in July, and Mangweza and Mutamba in the Chinyauwhere TTL near Umtali in September. Two of the accused appeared in court on crutches. In another case before the same court, ELIAS MANDENGWANA, 27, from the Melsetter area, was sentenced to 20 years imprisonment for helping guerillas to rob three stores. A juvenile, unnamed, was also sentenced to 20 years for warning guerillas of the presence of two district assistants in his kraal area. (RH 27.11.76; BBC 30.11.76)

6 October: Bulawayo Regional Court

JOHN SAYI ZIREBWA, 21, a former teacher at Mahoko Primary School near Fort Victoria, was sentenced to 8 years imprisonment for attempting to leave Rhodesia for guerilla training. The Court was told that Zirebwa had resigned from the school during the August holidays and had made to leave the country on 27 September. (RH 7.10.76)

20(?) October: Umtali Magistrates Court

Four unnamed juveniles, all aged between 14 and 15 and including one girl, were found guilty of attempting to go for guerilla training. The boys were sentenced to 4 years imprisonment each and the girl to 4 years, with 2 suspended. The Senior Magistrate, Mr. G.J. Geddes, told the accused that the Court was "extremely reluctant" to sentence children to gaol, even for short periods, but felt obliged to be severe "in the hope of deterring others." Earlier the Court had heard that 20 people, all aged between 13 and 20, had been caught trying to cross into Mozambique so far that month. (RH 21.10.76)

21 October: Salisbury High Court

MATHIAS MUSWERA, JOSEPH MANDOMBO, and NDUNUA ESNATI, from Kafura Collective Village in the Pfungwe TTL, Mrewa, were all sentenced to life imprisonment on conviction of assisting guerillas to lay a landmine in a country road. The mine was subsequently detonated by an army vehicle and one passenger was slightly injured. Mr. Justice Pittman, passing sentence, said that while some might feel the death penalty to be more appropriate, the accused were "simple tribesmen who were not proved to have any interest in the terrorist cause." He therefore felt it his duty to be merciful. (RH 22.10.76; *FOCUS* No. 7 p.4.)

3 November: Umtali Provincial Magistrates Court

Two unnamed juveniles, one aged 15 and the other 16, were each sentenced to 5 years imprisonment on conviction of attempting to cross into Mozambique for guerilla training. Passing judgement, The Provincial Magistrate, Mr. G.V. Schaap, warned that the court intended to impose increasingly stiff penalties on guerilla recruits in future. While the accused in this case were scarcely more than children, the offence was common among people of their age and a deterrent sentence was essential. (RH 4.11.76; BBC 6.11.76)

10 November: Bulawayo Magistrates Court

ELVA NKALA, a 36-year-old mother of 5 children, was sentenced to 3 years imprisonment, 18 months of which were conditionally suspended, on conviction of failing to report guerillas. The court was told that the accused, a resident of Magwegwe Township, Bulawayo, was visiting her family home in the Matopo TTL when 3 guerillas arrived on 8 September. She had been asked not to say anything about

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

18

the strangers for fear of people and children in the kraal being killed if police arrived. (RH 11.11.76)

12 November: Umtali Provincial Magistrates Court

22 people, whose names were not given, were sentenced to prison terms of from 4 to 8 years on conviction of attempting to leave the country to undergo guerilla training. Two others, also unnamed, were gaoled for 10 years for the same offence, while sentence on a 12-year-old girl was postponed for 5 years. Most of the 24 sentenced were juveniles. Another man, MATCHES NDANGANA, was sentenced to 9 years imprisonment having pleaded not guilty to failing to report guerillas. (RH 16.11.76)

24 November: Bulawayo Regional Court

TOMMY NCUBE and SOFA NCUBE appeared in court on two charges of assisting guerillas and failing to report their presence. After the accused had lodged a plea of not guilty, the trial went into secret session for security reasons and the final outcome was not reported. (RH 25.11.76)

APPEALS

NISA GURUPATI, 20, who was sentenced to death by a Special Court in Umtali at the end of July, had his appeal dismissed in October. He had pleaded guilty to bearing arms of war after being wounded and captured in an engagement with Rhodesian security forces. (RH 20.10.76; FOCUS No. 6 p.15)

LUKE BUMHIRA, 30, also lost an appeal against the death sentence. He had been convicted by a Special Court in Inyanga in July on charges of possessing arms of war, and was

alleged to have been a member of a guerilla gang. (RH 20.10.76; FOCUS No. 6 p.15)

JOSIAH MASANGO, sentenced to 20 years imprisonment in March 1976 for allegedly pointing out "collaborators" to guerillas and failing to report the latter to the authorities, had his conviction quashed and his sentence set aside on appeal in October. At the time of his trial, Masango, (who is known to have been an active member of the ANC), maintained that he had been assaulted by the police. According to Mr. Justice MacDonald of the Appeal Court, State witnesses had conceded at the trial that Masango "had been questioned persistently and aggressively." He ruled that the assault, the marks of which had still been visible to a doctor 7 weeks later, must have been "extremely severe", and that incriminating statements made by the accused to the police could therefore not have been given "freely and voluntarily." (RH 23.10.76; FOCUS No. 4 p.5)

PETERSEN GUYA, 24, sentenced to death in July by a Special Court in Umtali for carrying arms of war, had his appeal dismissed towards the end of October. He was alleged to have been abducted from his home in the Mount Darwin area in August 1974 for guerilla training in Mozambique and Tanzania, and wounded and captured in an ambush by Rhodesian security forces in June 1976. (RH 26.10.76; FOCUS No. 6 p.15)

BASOPO MUNYAMA, a deputy kraal head, and RODRECK TIKABVA, both from the Muroma TTL south of Umtali, had their appeals against the death sentence dismissed at the beginning of November. They were alleged, with 6 others, to have incited a group of guerillas to execute two captured African police

constables. Both the policeman managed to escape without serious injury. (RH 2.11.76; FOCUS No. 6 p.15)

A death sentence passed on APURENI APRIL HOVE on 17 September was commuted to one of 20 years imprisonment on 3 November. Hove had been convicted by a Special Court in Gwelo of encouraging looting and helping to abduct others for guerilla training. It was revealed in the course of the appeal hearing that sentence had in fact been passed on the strength of the majority verdict of the Special Court's two assessors (who under the regulations governing the workings of Special Courts need have no formal legal qualifications), and that the President had argued for a less severe penalty. (RH 3/4.11.76; FOCUS No. 7 p.3.)

NYAMWATA JANI, sentenced to death by a Special Court in Chipinga in August for recruiting others for guerilla training, had his appeal against conviction dismissed in November. There was no appeal against sentence. (RH 10.11.76; FOCUS No. 7 p.3)

On 1 and 2 December, 8 of the 9 members of the Muzorewa wing of the ANC sentenced to death at the end of August and beginning of September for causing explosions and sabotage in the Greater Salisbury area, had their appeals dismissed. GEORGE NYAGU, HOZEAH GANDIWA, CRISPEN MUSHIPE, MOSES TSANZI, NORMAN MUTOVONI, PHILIP NYAGU, FREDERICK MUZIKENYEDZE and ELIAS MADONI had been found guilty of urban guerilla activity by a Special Court. The ninth man, STONE CHAKABVAPASI, 19, had his sentence commuted on appeal to life imprisonment. (RH 2.12.76; BBC 4.12.76; FOCUS No. 6 p. 14, No. 7 p.3.)

PRIESTS TO APPEAR IN COURT

Rhodesian authorities confirmed on 8 December that a Swiss Roman Catholic priest, Father Paul Egli, aged 47, was being held in custody and would shortly appear in court on five charges of assisting guerillas and failing to report their pres-

ence. Father Egli, a member of the Bethlehem Fathers stationed at the Berejena mission in the Chibi TTL in south east Rhodesia, was arrested on 24 November. He was later released from detention prior to trial on 10 January. Father Egli's missionary society told a press conference at its headquarters in Immensee, Switzerland, on 27 December that there was still no news of another of its members in Rhodesia, Father George Oregger, 45. Father Oregger, who was based at the Bondolfi Mission and had worked in Rhodesia for 20 years, disappeared on

3 December. He was last seen at a store in the Nyajena TTL, in the Chiredzi area 65 km south east of Fort Victoria, and fears were expressed that he could have been murdered or abducted. (RDM 9/28.12.76; Tel 8.12.76)

The Rt. Rev. Donal Lamont, the Roman Catholic Bishop of Umtali who was convicted on 1 October on 4 counts of failing to report guerillas and inciting others to do likewise, has lodged an appeal against his 10-year prison sentence. It is believed that a date has since been fixed for the hearing. (20.11.76)

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