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NAMIBIA: DEATH SENTENCE

On 13 October 1980, Markus KATEKA (40), a Namibian farm labourer, was sentenced to death in the Windhoek Supreme Court. Hendrik KARISEB (45), also a farmworker, was given a prison sentence of 10 years. Both were convicted on charges under the Terrorism Act. Leave to appeal was refused (see *FOCUS* 31 p.9).

The death penalty has in only one trial been previously imposed in Namibia in connection with political charges under the Terrorism Act. In May 1976, Aaron MUCHIMBA, SWAPO's National Organising Secretary, and Hendrik SHIKONGO, a SWAPO member, were sentenced to death after a three-month trial in Swakopmund Supreme Court. Their sentences were set aside and their convictions cancelled by the Appellate Division of the Bloemfontein Supreme Court in May 1977, after evidence of serious irregularities in the original trial had been produced by the defence. They were released from prison (see *FOCUS* 2 p.2, 4 pp.3-4, 5 pp.6-7, 10 p.18).

M. Kateka and H. Kariseb were first arrested in May 1980 in connection with an armed guerilla attack on Goabis farm in the Grootfontein district on 17 February 1980. No one was killed or injured in the attack (see *FOCUS* 30 p.9).

The trial opened in the Windhoek Supreme Court on 27 August 1980. The two men were charged with participating in guerilla activities, alternatively with

aiding and abetting guerillas. Advocate Pio Teek appeared *pro deo* for the defence.

The State alleged that the two accused had supplied SWAPO guerillas with food and accommodation on the farm where they were employed and had 'urged, advised and instigated' the guerillas to murder the Louw family who own the farm, as well as relatives on a neighbouring farm. According to the prosecution, Kateka left the farm on 16 February 1980 to take some porridge and milk to his brother-in-law on a neighbouring farm. It was later allegedly discovered that he had no relatives there and had not delivered food. He had returned to his living quarters later that night, allegedly accompanied by two armed men. Another farm labourer, who normally shared living quarters with Kateka, was asked to sleep in another room to provide space for the men. According to the prosecution, the two armed men were given a meal by Kateka that night and left in the morning. Later that morning, two different SWAPO men arrived. They allegedly convened a meeting of all the farmworkers and took them in to the bush where they were joined by a group of guerillas. Advocate Hiemstra, for the state, said both accused complained to the guerillas about their conditions of employment, and provided information about the occupants of the farm. He alleged that Kateka and Kariseb told the guerillas that their employers must be killed, and urged that the Louws' son, who occupies a neighbouring farm, should also be killed.

Kateka sketched a plan of the farmstead on the ground and explained where the various rooms were, the prosecution claimed. Kariseb offered to go with Kateka and the guerillas and show them the layout of the farmstead. They left with some of the guerillas in the direction of the house, while two armed men stayed behind to look after the other employees. A short while later, the farm was attacked by the guerillas. The accused rejoined the other farmworkers allegedly telling them that Mr. Louw was dead (*RDM* 28.8.80; *WO* 30.8.80).

The prosecution called a number of witnesses, including Jacobus Francois Louw (60), the owner of the farm, and Major Gerrit Badenhorst of the Police Security Branch in Windhoek. As in the Muchimba/Shikongo trial, the court proceedings concentrated on discrediting SWAPO as a political organisation and on presenting any association with SWAPO as leading to 'terrorist' activities. Louw said he had regarded the two accused as among his most trusted workers; they were both foremen. He said that prior to the attack, one of his workers had warned him to be careful of Kariseb because he was 'SWAPO oriented'. On the day of the attack he had instructed Kariseb to warn a family on a neighbouring farm of guerilla presence in the area, but Kariseb had refused. After that he had dismissed Kariseb.

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POLITICAL TRIALS

SWAPO ACTIVIST SENTENCED

Ida JIMMY (35) was sentenced to seven years imprisonment by the Windhoek Regional Court on 15 October 1980. The trial lasted only one day. She was convicted for a speech she made at a SWAPO rally in Lüderitz on 15 August 1980, in celebration by SWAPO of Namibia Day. Her speech was taped at the rally by the SA Police.

In his summing up, the magistrate

said the speech had to be seen 'in the context of the conflict situation in the territory at the moment'. Ms Jimmy was found guilty of 'inciting or encouraging people to harbour or aid terrorists', which carries a minimum sentence of five years. Ms Jimmy was seven months pregnant at the time of her trial. (WA 16.10.80; MS 17.10.80; SWAPO London office).

Ms Jimmy was previously arrested in

Luderitz in April-May 1979 during a nationwide police purge of the SWAPO leadership. She was detained under Proclamation AG 26, on that occasion together with her nine month old baby. The two were held in solitary confinement. She underwent a hunger strike. (FOCUS 22 p.14, 27 p. 5 where her name is given as Ea Jimmy and Freida Jimmy respectively).

PRISONERS ALLEGE MALTREATMENT

A document has been smuggled out of Windhoek Central Prison which contains allegations of cruelty and maltreatment of inmates. The document was sent to the *Windhoek Observer*. It apparently gives the names of prison officers who are involved in attacks on prisoners, and appeals to the press to take action.

Assaults on prisoners, giving names and dates, are cited in the document and a 'cold-blooded' attack on a prisoner who died is mentioned. According to the document, prisoners who support SWAPO are particularly subject to harassment. It tells of an extensive search having been carried out in the prison, during which the few meagre possessions of some prisoners were destroyed. The document states that conditions have deteriorated considerably since the former Officer Commanding the Prison, Lt. Col. Venter, left. It asks the general public to take note of these wrongs and atrocities (WO 1.11.80).

DETAINEE SERIOUSLY ILL

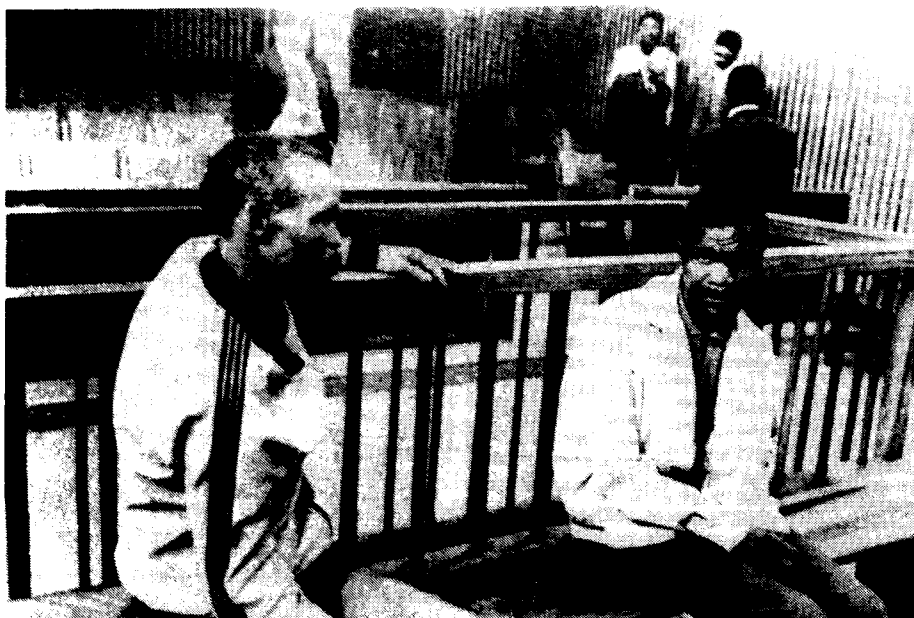
Rauna NAMBINGA, a nurse who has been in detention without trial since May 1980, is reported to be seriously ill as a result of being tortured by the police. People who were held with her and have since been released report that her body is enormously swollen.

Ms. Nambinga was one of the accused at the Terrorism Act trial in 1976 at which two Namibians were sentenced to death. She received a seven year prison sentence but was later released following the exposure of gross irregularities in the trial proceedings. (see FOCUS 9 p.14, 31 p.8; SWAPO /Information & Comment Vol. 2 No. 5, Aug-Sept 1980).

DOCTOR INTERROGATED

An unsigned communication quoted in the *Windhoek Observer* gives details of the detention and maltreatment of Dr. Nafta HAMATA, superintendent of the Onandjokwe Lutheran Hospital, over a period of two months.

According to the document, Dr. Hamata was arrested at the hospital by Security Police and held in solitary confinement near Windhoek. He was allegedly held under very bad conditions, without access to running water or a change of clothes, and had his head covered in blankets during interrogation. He reportedly often heard screams but believed that these emanated from a tape recorder. He was taken back to Onandjokwe after two months. While the arrest and detention of Dr. Hamata were confirmed by the Chief of the Security Police, the latter denied allegations of bad treatment (WO 4.10.80).



Hendrik Karseb (left) and Markus Kateka (right) pictured in the Windhoek Supreme Court minutes before the death penalty was imposed.

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Both farm workers had been in his employ for 24 years (RDM 11.9.80).

Major Badenhorst gave a summary of attacks on farms in recent years going back to December 1975. None of these attacks had any relation to the defendants. He said that SWAPO's armed insurgents constituted a problem to the army and police.

The defence counsel, Advocate Teek, stressed the political ignorance of the farmworkers, who are both illiterate. He said they had never attended a political meeting, though Kateka had heard of SWAPO. He asked the court to take into account that the two men's actions had not been premeditated, and that they were afraid. He argued that should the Judge impose the death penalty, it would have the opposite effect from the one intended. It would bring into the minds of other labourers an awareness of the cause of the insurgents. Labourers would sit down at their fires and they would talk, and ask: 'How can the ultimate penalty be imposed upon a man who had given food to an armed insurgent?' Those aiding the insurgents would continue to do so, even if their employers instructed them not to render assistance, he said.

In passing sentence, Justice Strydom at-

tacked SWAPO's objectives as 'detestable', for it wanted a political order which 'promised no good for the country'. He referred to the account given in court of 15 attacks on isolated farmsteads. As a result many farms were today secured by barbed wire fences and alarm systems. He stressed that the Courts' role was to give farmers protection in the form of a deterrent. He said farmworkers must be made to realise it was their duty to report the presence of armed insurgents and not get involved with SWAPO.

Farmers had to trust their workers to report the presence of armed men on their farms. Although the defence had urged that the accused were unsophisticated workers, ignorant of the political struggle in the territory, no thinking person could be unaware of the aims of SWAPO, he said. Everyone knew SWAPO had 'no good intentions' for the territory and the people. He refused leave to appeal. The defence counsel indicated that he would petition against both the verdict and the sentence (CT 14.18.80, RDM 14.19.80, WO 18.10.80).

The imposition of the death penalty, by an illegal South African court, has prompted international action, including protests from the United Nations Council from Namibia, and anti-apartheid groups in Britain, France, the USA and elsewhere.

INVOLUNTARY DISAPPEARANCES

A Working Group on Enforced or Involuntary Disappearances has been set up, for a period of one year, by the United Nations Commission on Human Rights. It held its first session from 9 to 13 June 1980, and is 'examining questions relevant to enforced or involuntary disappearances of persons' in a number of countries (*UN Dept of Information, New York, 19.9.80*).

Cases of mysterious disappearance have become common in Namibia, especially in the north. Evidence suggests that these fall into a number of categories.

People who have 'disappeared' may have decided to go into exile and/or undergo guerilla training. They may not tell their relatives for fear of reprisals against the latter by the authorities, and may later reappear in a refugee camp in Angola or Zambia, or as part of SWAPO's guerilla force.

However, in addition to these voluntary 'disappearances' there have been frequent reports of people disappearing as a result of police or army action.

These fall into those who are arrested and detained incommunicado, and people who have been shot or otherwise killed in curfew or free-fire zones in the operational areas. While detailed evidence is often scarce, the case of three missing husbands, which was the subject of a court case last October, illustrates the gravity of the situation and the distress and anguish caused to relatives (*See FOCUS 25 p.7*).

SWAPO has periodically attempted to compile lists of people who had been described as 'missing' but had in fact been arrested. A SWAPO member responsible for compiling lists in northern Namibia described one case in a letter in 1977:

One woman told us that soldiers went to her home and took her husband to their camp. The soldiers laughed and said to her, 'Didn't your husband go home? We sent him yesterday'. When the woman was leaving the camp, a black worker there told her that he had seen the South African soldiers kill her husband the previous night, wind his body in socks soaked in petrol and burn it.

This is not the only story like this here. There are a lot of stories like this. These things are happening here every day. (*SWAPO Information and Comment, Vol 1, No 3, Sept-Oct. 1979*).

In a letter to the *Windhoek Observer*, a certain Penda Onitsha described the situation in the north:

... people are being thrown into prison and held there incommunicado. People are being taken from their homes in a stealthy manner during the night, on the grounds that they are suspected of having helped SWAPO guerillas.

Their relatives are informed that SWAPO abducted their kin. Many were never heard of after their detention (*WO 27.10.79*).

South African armed forces have captured and abducted an unknown number of Namibians and Angolans during raids into neighbouring Angola and Zambia. These have in many cases never been subsequently traced. For instance, during an attack on the hamlet of Chiede in Cunene Province on 12 May 1980, South African troops reportedly took away 'countless families', and on 21 May during an attack on Savate in Cuando Cubango province, a large number of people were reported kidnapped

(*Communique issued by the Ministry of Defence of Angola, attached to a Note Verbale from the Permanent Representative of Angola to the United Nations Secretary General, 28.5.80*).

The most prominent case of enforced 'disappearances' is that of the Kassinga detainees. Until May 1980 South Africa categorically denied that some 127 persons, who were kidnapped during a raid by South African paratroops on Kassinga refugee camp in Angola during May 1978, were being held in detention. There had been persistent reports of ill-treatment and mutilation of the detainees. The former Administrator General of Namibia, Gerrit Viljoen, rejected a SWAPO statement listing the names of the prisoners as 'mere propaganda' (*RDM 5.5.80*). However, on 8 June 1980, officials from the International Red Cross visited a secret military camp in southern Angola where 118 SWAPO members were found to be being held.

While the Red Cross officials gave no further details, the United Nations Commission on Human Rights, in a letter to the SA Minister of Foreign Affairs, alleged that the Kassinga detainees were being held in inhumane conditions, and had been ill-treated and tortured (*ST 15.6.80; Tel 27.8.80*).

The treatment of the Kassinga detainees is a clear violation of the Geneva Conventions relating to captured prisoners of war.

As an example from inside Namibia, three persons were reportedly kidnapped at night from their homes by South African secret police and have not been seen or heard of since May 1980. They are Wilho MATEUS, Aaron IPINGE, and Festus KADHIKWA of Luderitz Bay. The latter two have been reported detained (*FOCUS 31 p.8, SWAPO Information & Comment, Vol 2, No 5, Aug-Sept 1980*).

SUSPECTED MASS GRAVE

A mass grave has been reported by SWAPO to have been discovered in the bush near Okatope mission, 25 miles from the Angolan border. According to sources inside Namibia, some of those who have disappeared were killed and have been buried there. The sources say that truckloads of people and corpses have been taken to the place in which has been cordoned off by South African troops (*SWAPO Information & Comment Vol 2, No 5*).

NURSE EXPELLED

A Finnish nurse, Kaino KOVANEN, who works at a church mission hospital in Ovamboland, has been ordered to leave Ovamboland immediately. The expulsion order was confirmed by the homeland's Executive Committee, and was apparently made in connection with the assassination of a senior Ovambo headman during an attack on the hospital in early November 1980. It seems that Ms Kovanen had complained about the presence of policemen at the hospital to the Ovambo executive member in charge of health and asked that they be removed.

An official of the homeland administration said it was now up to the Administrator General's office to decide whether Ms. Kovanen would be allowed to stay in Namibia (*RDM 7.11.80*).

GERTRUDE KANDANGA

The Deputy National Secretary of the SWAPO Women's Council is reported to have been in detention since January 1980, with no indication as to whether she is to be charged (*SWAPO Information and Comment, London, Vol 2 No 7 Oct 80*).

CONSCRIPTION AND THE WAR

Compulsory registration for military service has been extended to all males in Namibia, irrespective of colour, who are between the ages of 16 and 25. A Proclamation by the South African State President published in mid-October 1980 removes the racial restrictions in the 1957 Defence Act as far as national military service is concerned. All males in the specified age group are now liable to be conscripted. Previous to the new law, only white men in Namibia were liable

for call-up (*WO 25.10.80*).

70 men from the South African bantustan of Ciskei are reported to be engaging in 'active b-order duty'. According to the Ciskei Minister for Agriculture and Forestry, the men have been undergoing police training on a paramilitary course. They apparently started their border duty in early September (*BBC 22.8.80*).

South Africa has to date spent 3,000 million rand on infrastructure and defence in Namibia, according to a statement by the South African Prime Minister quoted on Johannesburg radio on 24 October 1980 (*BBC 4.11.80*).

Local villagers, who reported a helicopter landing there at the same time, found the mutilated body of the evangelist the next day (*LWJ 38/80, 22.10.80*).

TRADE UNIONISTS

Two of the trade unionists who were previously reported in *FOCUS* as having been placed under restriction have left Namibia. Henry BOONZAAIER is in Angola with his family. Arthur PICKERING is spending one year in Britain as a research student.

Jason ANGULA who was still detained in November 1980 has reportedly been suffering from high blood pressure. (*See FOCUS 30 p.10*)

LUTHERAN EVANGELIST MURDERED

Immanuel HAIHAMBO, an evangelist of the South Angola Evangelical Church, was murdered by South African soldiers at the end of September, according to a report received by the Finnish Missionary Society in Helsinki. Haihambo was apparently preparing for Sunday worship at a church in Omwifi near Kuamoto close to the Namibian border when South African soldiers arrived. According to the report, which was sent by a Finnish missionary working in the area, the South African soldiers put an explosive in Haihambo's bag and then accused him of stealing ammunition. He was forced to accompany them into the woods.

ILL HEALTH – THE NAMIBIAN HERITAGE

A recent study of health and health care in Namibia concludes that 'a fundamental reorientation' of the South African regime's present health policies and planning concepts will be required, if the needs of the population in an independent Namibia are to be adequately met.

Under SA's illegal occupation, the report argues, health care is inextricably bound up with the apartheid system. The causes of ill health and disease among the black majority can be found, on the one hand in the poverty, uncertain food-supplies, unsatisfactory housing, bad working conditions and inadequate infrastructure characteristic of black Namibian society and on the other, in the racial discrimination, urban bias and bureaucratic elitism which pervade the health services.

All the information in this article is derived from the report: *Perspectives for Decolonising Health in Namibia* by Gudrun Lachenmann (in *Perspectives of Independent Development in Southern Africa – The Cases of Zimbabwe and Namibia*, German Development Institute, Berlin, March 1980), and not by research undertaken by IDAF. The report illustrates the difficulties in obtaining accurate statistical information about the living conditions of black Namibians – a problem which is itself a consequence of South African occupation.

Facts and figures illustrating the health of Namibians are hard to come by; South Africa does not co-operate with the World Health Organisation (WHO), and it is not clear to what extent the statistical system for Namibia really functions. Data on morbidity, mortality and life expectancy are not published. The only figures available are overall figures for notifiable diseases (given in the annual White Papers on the activities of the SWA administration), and average figures for the numbers of hospital beds and the number of doctors in different areas

(given in the *South West Africa Survey* published irregularly by the SA Department of Foreign Affairs, the last edition being for 1974).

The report is based on the little secondary health material that is available, supplemented by data collected by the author during a five week visit to Namibia and South Africa in July/August 1978.

Important problem areas identified by the report are:

- **Tuberculosis**, where the incidence rate among blacks is ten times higher than among whites. The highest rate recorded by the report for the period 1974–77 is 10.08 per 1,000 black members of the population in Kavango and Bushmanland. Over Namibia as a whole it is 5.69 per 1,000 black members of the people and for whites, effectively nil. (Figures compiled from SWA Administration White Papers and South African Statistics 1976).

Tuberculosis has in fact assumed 'alarming proportions' among black Namibians, according to the report. It is a 'typical poor-man's disease', exacerbated by undernutrition and malnutrition, overcrowded living conditions, particularly in urban areas, isolation and lack of treatment facilities. In some areas among the Bushmen, tuberculosis infection rates of 25% have been recorded.

Part of the explanation of the high incidence rates in Namibia lies in the migrant labour system. Contract labourers who contract tuberculosis while in the 'white areas' are obliged to return to the 'homelands'. Here they are cut off from facilities for adequate treatment, while tending to spread the infection further. Screening procedures are often a compulsory part of the process of applying for contract work, meaning that workers tend to look on preventive and curative measures as an unwelcome extension of the whole system of white control over their daily lives. Mass boycotts of X-ray and vaccination campaigns and failure to continue with out-patient on hospital treatment, are the result.

- **Veneral disease**, where although no figures or other official information are available, the problem appears to be quite serious. Rates as high as 10% in Kavango, and 2.1 to 3.78% for blacks in Swakopmund, are reported. 'The root cause of the problem is the contract labour system and the completely disordered

social relationships that go with it', the report suggests.

- **Infant mortality**, where the same causal chain of poverty – malnutrition – bad hygiene and living conditions – ignorance, applies. Infant mortality is 7 to 8 times higher for blacks than for white. As with other health problems, the high infant mortality rate reflects the apartheid system and the complete breakdown of social relations to which it gives rise. Young girls have babies at a very early age, whom they are unable to care for adequately, when they migrate to the towns. Women working as domestic servants for white families have to leave their children with foster parents. The contract labour system prevents the formation of stable family relationships.

- **Addictive diseases** (drug dependency and alcoholism). Alcoholism is a very widespread problem. Alcohol consumption is directly promoted by the SA regime through state sales outlets and by payment of labourers in kind.

The health services, as in South Africa, are organised on racial lines and characterised by pervasive discrimination. Hospital facilities for whites, Africans and Coloureds are completely separate. In 1978, according to the report, there were between 5.47 and 7.65 hospital beds available per 1,000 blacks and between 9.64 and 9.87 beds per 1,000 whites. In principle, there is a state health service for the black population which provides out-patient and hospital treatment at minimal cost to the patient. Medical care of the white population is in the hands of doctors in private practice, many of whom, as part-time state-employed medical personnel, are also responsible for the care of black patients.

In practice, the lion's share of financial, material and personnel resources goes to the white areas, even though about one half of the population lives in the 'homelands'. Less than 20% of all doctors, for example practice in the 'homelands'. The worst-off sections of the black population in terms of health care, the report concludes, are those living in the peripheral 'homelands' of Kavango, Hereroland, Damaraland, Kaokoveld and Bushmanland. Here the health posts are still mostly mission-run, and the health situation as far as diseases such as tuberculosis and malaria are concerned appears to be stagnant or even worsening.

SOUTH AFRICAN ATTACKS ON ANGOLA

South African air attacks on Angolan villages and towns have continued since the major invasion in June 1980 (see *FOCUS* 30 p.10).

A communique issued by the Angolan Defence Ministry on 4 September said that since 25 July 1980, South African forces had been making incursions into Angola in small units by helicopter with the aim of killing defenceless villagers in the border areas of Cunene Province.

(BBC 17.9.80, 19.8.80; *Angolan News Bulletin* covering period 2.8.80–12.9.80.)

A mission sent by the Organisation of African Unity (OAU) to Angola at the end of July 1980 to evaluate the damage caused by the aggression of the SA forces completed its tour of the affected areas in early August. Speaking to reporters on the eve of his departure, one of the members of the mission, the Togolese Minister for Foreign Affairs and Co-operation, Anani Akakpo, said that he had been able to tour the provinces of Huila and Cunene. He said the OAU mission had established that the South African attacks were aimed at destroying

Angola's social and economic structures. The OAU mission included the Nigerian and Algerian Ambassadors to the People's Republic of Angola. It is to submit a report of its findings to the OAU General Secretariat and to the United Nations (BBC 2.7.80, 5.8.80).

A delegation from the *International Commission of Inquiry into the Crimes of the Racist and Apartheid Regimes in Southern Africa* also visited Angola from 6–13 August 1980 to investigate SA aggression. The mission heard witnesses at the central military hospital in Luanda, visited sites of attacks in the Lubango and Mocamedes areas, and examined the remains of aircraft shot down in the June-July 1980 invasion.

The International Commission of Inquiry is due to hold a second plenary session on the aggression against Angola, in January 1981.

(*Report of the International Mission of Inquiry into the acts of aggression perpetrated by South Africa against the P.R. of Angola, August 6–13, 1980*).

Over the three month period August to

October 1980, the provinces of Cunene and Cuando Cubango came under particular attack. A communique issued by the Angolan Embassy in Paris on 21 October 1980 said that during that period, the South African forces carried out 165 reconnaissance flights, 22 air bombardments, and laid mines on roads in these regions. They also made 23 landings of helicopter troops (BBC 23.10.80).

South African troops also launched an attack into Angola in October 1980 to coincide with the arrival of a United Nations team in Pretoria for talks with the South African government over a settlement in Namibia. The UN mission was a final effort to resolve the issue and avoid the growing pressure from many African states for the imposition of sanctions against South Africa. There has been increasing international impatience with South Africa's delaying tactics over the implementation of the UN Plan in Namibia.

South African forces claimed to have killed 28 SWAPO guerrillas and Angolan troops during the raid (T 22.10.80).

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BANS AND RESTRICTIONS

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BANNED PEBCO LEADER AT UN

Thozamile BOTHA who fled South Africa in May 1980 after being put under a banning order (see *FOCUS* 28 p.7), spoke in New York at a Meeting in Solidarity with South African Political Prisoners organised by the UN Special Committee Against Apartheid on 10 October.

Thozamile Botha was detained after the Ford strike ended in January 1980 and was banned on his release from detention, as were other leading members of the Port Elizabeth Black Civic Organisation (*FOCUS* 27 p.14). He drew on this experience in his speech to the meeting (recorded in the UN *Verbatim Record of the 462nd Meeting of the Special Committee*).

He began by emphasising the restrictions suffered by banned people:

I should like to bring to the attention of this gathering the fact that there are two types of political prisoners in South Africa: there are formal political prisoners and informal political prisoners. The formal political prisoners are those who are directly arrested,

directly detained for indefinite periods, charged and sentenced to long-term imprisonment — some indeed to perpetual detention, never to be seen again. Others are banned and banished; prisoners in that category are allowed the privilege of staying with their families but are incommunicado as far as the outside world is concerned.

A banned person becomes a leper in terms of South African security laws; he has no right to work, he has no right to education, and he is even denied the right to communicate with his own parents, brothers and sisters. His wife and children also become prisoners. They cannot receive friends at their dwelling-place.

He described his own arrest and interrogation:

When they arrested me on 10 January this year they handcuffed me and tightened the handcuffs. When I complained in the car on our way to the police station they said the keys were left behind with another man. At the police station one man took the key out of his pocket, tried to unlock the handcuffs and broke the key. Both my wrists were swollen. They took a hammer and tried to break the handcuffs, but in vain. Later, after about two hours, they took me to the fire

brigade station to have the handcuffs cut.

They took me from that police station to Jeffreys Bay, about 90 kilometers from Port Elizabeth. They took all my clothes, including my underpants, and I was given two blankets and a mat. For days no one came except the police at the police station, to give me porridge full of worms.

A week later I was taken to Sanlam, (security police headquarters in Port Elizabeth), for interrogation. They kept me at Sanlam for five days and nights without sleep. My feet got swollen. I asked them to take me to a doctor, which they did, but the doctor said I was shamming and boasted that he would be the first to give evidence at my post mortem if I died, because he knew that there would not be a scratch on me.

Although Thozamile Botha cited many cases of repression and torture, he stressed also the fact that the struggle for freedom continued and was intensifying. In doing so he expressed appreciation to all those organisations which had participated in the successful campaign to save the life of James Mange. He noted that as the struggle intensified there would be similar cases, citing those now on trial in Pretoria as possible cases (see *NINE ANC GUERRILLAS under POLITICAL TRIALS*).

BANNED PERSONS

Zubeida MAYET, a former journalist, appeared in the Johannesburg Regional Court on 22 October 1980 charged with contravening her banning orders. She was alleged to have attended a meeting at the Jiswa centre in Lenasia on 19 October.

She was banned for five years in 1978. She is restricted to the Johannesburg area and may not attend any gatherings (*FOCUS* 20 p.8).

The meeting she is said to have attended was one of several held throughout the country on 19 October to commemorate the banning in

1977 of 18 organisations and their publications (see below) (*RDM* 20/23.10.80).

Dr. Beyers NAUDE, the former director of the banned Christian Institute, has been refused an application for a passport. He wanted to attend the centenary celebrations of the Free University of Amsterdam which awarded him an honorary doctorate in theology in 1972 (*RDM* 17.10.80).

Dr Naude spoke at a meeting held at a church on 19 October 1980 to commemorate the banning of 18 organisations in 1977. To observe his banning order he remained apart from the

congregation after he had given the sermon and spoke to visitors one at a time (*RDM* 20.10.80; see also *FOCUS* 13/4).

David RUSSELL, the banned priest, was married on 25 October 1980. The marriage was on a Sunday because in terms of his banning orders he may not take part in a public church service on any other day.

After the marriage the couple had to apply to the Minister of Justice to move from David Russell's parents' home, to which he is confined from 6pm to 6am on weekdays and all day on Sundays (*ST* 26.10.80; see also *FOCUS* 13, p.4).

MEETINGS UNDER ATTACK

A number of meetings have recently been banned or disrupted by police, even though the general ban on all "political" meetings of more than 10 people lapsed at the end of August 1980.

In Port Elizabeth, one of the areas most affected by the school boycott, local authorities banned all meetings planned for the weekend of 12 September, to mark the third anniversary of Steve Biko's death in police custody. An application for the ban was reported to have come after security police seized a number of suitcases containing pamphlets of the banned ANC in the New Brighton Township (*Citizen* 12.9.80; *Post* 15.9.80).

Some weeks later a ban was placed on two meetings at which the general secretary of the South African Council of Churches was to have spoken, on 26 October. The meetings, arranged by the Port Elizabeth Parents Committee and

the pupils' committees, were to have been for a report-back on Bishop Tutu's meeting with the Minister of Education and Training. The police liaison officer confirmed that the meeting was banned "in the light of the unrest situation in the townships" (see p.12 of this issue) (*CT* 27.10.80; *RDM* 29.10.80).

In Soweto batons and teargas were used by the police on a crowd of 3,000 people on 15 October, the day Dr Koornhof, the Minister of Cooperation and Development visited Soweto. He was given the 'freedom of the City' by the Chairman of the Soweto Community Council.

The crowd had gathered to protest against this decision of the Council, and also against rent increases of 75%. One journalist described Soweto on that day as a beleaguered city with camouflaged riot police and alsatian dogs forming a cordon around the Community Council offices (*GN* 16.10.80; *T* 17.10.80).

The demonstration coincided with an attack

by saboteurs on the railway line from Soweto to Johannesburg. The protests were part of the build up to the third anniversary, on 19 October, of the banning of 18 organisations in 1977.

At least two of the meetings held on 19 October were disrupted by police in Soweto and Lenasia. In Soweto, police were said to have baton-charged from the rear of a church hall, forcing open a locked door. 18 people subsequently appeared in Protea Magistrates Court, charged with entering the church without permission. Two other people appeared in Kliptown Magistrate's Court after being arrested at a commemoration meeting at Lenasia, where Zubeida MAYET was also arrested (see *BANS*) (*RDM* 20/21.10.80).

All public meetings were banned in Lebowa for the weekend on which the commemorative services were to be held (*SP* 19.10.80).

DETENTIONS

The crackdown on resistance to apartheid rule continues unabated. Each upsurge of militant activity in a particular area is followed by police repression and arrests.

A noticeable trend in the current list of detainees is the apparent absence of detentions under Section 10 of the Internal Security Act (ISA) until early November 1980. Section 10 of the ISA allows for 'indefinite preventive detention' and is used against people thought to be organisers of opposition. From March to July 1980, over 200 people were detained under this law. A number of them were still being held in November in Viktor Verster Prison in Paarl.

The Minister of Police, commenting on these detentions at the Cape National Party Congress on 1 October, and on police methods of dealing with "riots and unrest", said that "one effective, if unpopular method of dealing with unrest was to detain people, removing them from the community until the situation had cooled down" (DD 2.10.80).

"Preventive detention" has, however, not succeeded in suppressing the boycotts, strikes, and protests. The use of still harsher methods has increased, including widespread use of Section 6 of the Terrorism Act which provides for the "detention of terrorists... until the Commissioner orders his release when satisfied that he has satisfactorily replied to all questions... or that no useful purpose will be served by his further detention."

FOCUS detention lists are by no means complete. Many arrests go unrecorded and in the turmoil of the schools boycott and closures pupils have been "rounded up" in their hundreds by the police in "clean up operations", especially in the Eastern Cape.

CISKEI

In the Ciskei arrests of school pupils have been taking place on such a large scale that police have had to use trucks to cart away the pupils (DD 4.9.80).

More than 500 pupils were rounded up by police in Mdantsane and Zwelitsha on 24 September 1980. The Secretary of the Ciskei Intelligence Service, Brig. Charles Sebe, said it was decided to "sweep" Mdantsane and Zwelitsha after the closure of schools in the urban areas. During the "clean up" a number of pupils were taken to the charge offices in both townships, so that those who have come from the urban areas and were "operating" in the Ciskei could be identified. A house-to-house search was conducted by the police and those detained were held under Proclamation R252 of the Ciskei Emergency Regulations until their parents came to fetch them (DD 26.9.80; Post 26.9.80).

The following day police raids in Mdantsane were intensified. Every available police van was used and police off duty were recalled. Another

400 people, including pupils, were held for questioning (DD 27.9.80).

LAWYERS

A number of lawyers and community workers who have assisted detainees with legal matters have themselves been detained. Mohamed Rashaad KHAN, an Athlone lawyer who was detained on 10 June 1980, is still being held under section 10 of the Internal Security Act. He was the legal adviser to the Committee of 81, which was involved in organising the schools boycott in the Cape earlier in 1980 (Natal Mercury 8.8.80; see FOCUS 29 p.3).

A Mdantsane attorney, Hintsia SIWISA has been detained by Ciskei security police. He was to defend 132 high school pupils who were charged with holding an illegal meeting when he was detained (DD 24.9.80). A field worker of the South African Council of Churches, David MNGXEKEZA, who went to pay bail for the same students was also detained by the Ciskei police (Post 25.9.80).

Durban advocate, Lewis SKWEYIYA, has been arrested under Transkei security laws. He had defended a number of people charged with entering the Transkei without travel documents. The defendants were found not guilty. Skweyiya was also one of the advocates who appeared on behalf of the widow of Joseph Mdluli, the ANC member who died in police custody in 1976 (RDM 3.11.80).

CHILDREN

In FOCUS 31 p.5 the detentions of Carol PLAATJIES (15) and Nancy QIKA (15) were listed. On the same day, however, seven other juveniles, all girls, one aged 13, one 14, four 15 and one 17, were arrested in Cape Town African townships. Two have been released, Mniki MASHIYA (14) and Elizabeth NDZULE (13), but seven still remain in detention, all, it appears, under section 6 of the Terrorism Act (Post 26.9.80; CT 18.10.80).

In August 1980 the four children of Ezra MTSHONTSHI, ages five, eight, nine and eleven, were detained by Transkei Security police. Mtshontshi was the president of the University of Transkei SRC. In June he was expelled from his university and fled from the Transkei. His children were left in the custody of his sister-in-law. The children were held for five days and then handed over to Mtshontshi's father at Cala in the Transkei (CT 23.8.80; Post 28.8.80).

JOURNALISTS

The last issue of FOCUS (31) detailed increased control over the press and arrests of journalists during 1980. Several more journalists and reporters have since been detained.

Stan MOTJUWADI, the editor of *Drum* magazine, was arrested when he arrived in the Transkei to cover the funeral of Saul Ndumo, the former Transkei Minister of the Interior who died in detention. Motjuwadi was held for almost four weeks under Transkei security laws and released after issuing a signed 'confession' and apology for defamatory articles he had written about the Transkei (Post 19.9.80; RDM 14.10.80; Voice 15.10.80).

Cape Times journalist Richard WICKSTEED was held by Security police for 2½ hours on 16 September 1980 and questioned about a story he wrote for the newspaper. In April 1980

he was questioned by Security Police while working for the *Daily Dispatch* (DD 19.9.80).

Rand Daily Mail reporter Arnold GEYER, was arrested by security police while covering the annual conference of the Methodist Church in Bloemfontein. He was arrested for the alleged possession of ANC literature but was released four days later (CT 22.10.80).

Umtata-based *Post* journalist, Marcus NGANI, was held for nine days by Transkei police. He was not interrogated while in detention nor told why he was arrested. On his release he was 'deported' from the Transkei. He is the fourth journalist to have been detained and released by the Transkei government this year (RDM 4/7.11.80).

Zubeida JAFFER (22), the Cape Times reporter who was detained on 26 August 1980 and held under Section 6 of the Terrorism Act (see FOCUS 31 p.10), was released on R500 bail on 15 October after appearing in court on charges of being in possession of banned documents. Her detention made headlines in the international press and prompted 54 United States congressmen to send a letter to the South African ambassador in Washington expressing concern for her safety (CT 16.10.80; RDM 6.11.80; see OTHER TRIALS).

TRADE UNIONISTS

In the biggest crackdown against trade unionists since 1976, fifteen black trade unionists from four unions were detained in the East London area. Two of them, Thozamile GQWETA and Sifa NJIKALANA, leading officials of the South African Allied Workers' Union, were picked up a few days before the others were arrested on 9 November 1980. The union is the first unregistered union to win formal recognition by an employer. Seven of the thirteen were also officials of the SAAWU (RDM 6/7/10.11.80; see also p.12).

Oscar MPETHA (71), the veteran trade unionist and SACTU founder member, remains in detention despite international appeals for his release.

RELEASES

Eight Section 10 detainees were released on 26 September 1980. These included Nombulelo MELANI, the acting president of the Azanian Peoples' Organisation, and Nicollete VAN DRIEL, a Bridgetown High School pupil. Both went on hunger strike at Pollsmoor Prison for more than two weeks in August in protest at their detentions. The others are Ebrahim PATEL, Cecil ESAU, Zunade DHARSEY, Patrick RICKETTS, Rev. Richard STEVENS and Matthew CLOETE. All were kept at Victor Verster prison at Paarl. Two detainees, who were detained at the same time, were not released. They are the banned former president of the South African Students' Association, Achmat CASSIEM and Abdurazzack ACHMAT, a community worker (CT 27.9.80).

Elliot CWELE, the former Commissioner of Police in the Transkei was released from Umtata prison on 2 October on R200 bail. He was detained after the appearance of a newspaper report on his alleged involvement in an abortive coup against the Transkei 'government'. Detained with him was the former Transkei Minister of the Interior, Saul NDZUMO, who died in detention. On his release Cwele was charged with theft — the alleged stealing of government documents (Post 3.10.80).

NEW DETAINEES

Additional to previous FOCUS lists

Approx Date	Place	Name (age)	Details (where known)
15.6.80	Mdantsane	Bubele BUYA (19)	Pupil. 1. Sec 22 GLA; 2. Sec 6 TA; 3. Ciskei emergency regs.
July 1980	Transkei	Mncedisi MHESHE	—
22.7.80	Mdantsane	Boniswa NGCUKANA (34)	1. Sec 22 GLA; 2. Transkei emergency regs.
27.7.80	Encobo	Peter Luzoko MATOLENGWE (20)	Pupil Nyanga High School. Acquitted. 3.11.80.
6.8.80	Soweto	Jonas Tshetso MOTAUNG	Sec 6. TA
13.8.80.	Cape Town	Nokuzola DANISO (15)	Pupil. Sec. 6 TA
13.8.80	Cape Town	Mniki MASHIYA (14)	Pupil. Sec. 6 TA. Rel. 22.9.80
13.8.80	Cape Town	Mildred MAZHAMA (15)	Pupil. 1. Sec 22 GLA.; 2. Sec 6 TA
13.8.80	Guguletu	Ethel Nomane MDADLANA (15)	Pupil. Sec. 6 TA
13.8.80	Cape Town	Lillian MSUTHU (17)	Pupil. Sec. 6 TA
13.8.80	Cape Town	Elizabeth NDZULE (13)	Pupil. Sec 6 TA. Rel. 22.9.80
13.8.80	Cape Town	Alton SOBUWA (15)	Pupil. Sec 6 TA.
15.8.80	Soweto	Kutlwano LEBALLO	Sec 22 GLA
20.8.80	Soweto	Elias Oupa MOSIKANE (19)	Pupil Bhukulane High School.
Sept. 1980	Cape Town	Didi MNGOMEZULU	Pupil
Sept. 1980	Guguletu	Bongani MPONDO	1. Sec 22 GLA; 2. Sec 6 TA
Sept. 1980	Guguletu	Vuyisile MZASA	1. Sec 22 GLA; 2. Sec 6 TA
Sept. 1980	Cape Town	Sweetness NDUNA	Pupil.
18.9.80	Umtata	Stan MOTJUWADI	Editor of <i>Drum</i> magazine. Rel 14.10.80
19.9.80	Johannesburg	Lynne DANZIG	Librarian. Sec 22 GLA
19.9.80	Soweto	Macforeman ITUMELENG (19)	Pupil Mapetla Secondary School Rel. 22.9.80
19.9.80	Soweto	Daniel KGANYAGO (20)	Pupil Mapetla Secondary School. Sec 6 TA. Rel. 22.9.80.
19.9.80	Soweto	Joseph KONE	Pupil Mapetla Secondary School. Sec 6 TA. Rel. 22.9.80
19.9.80	Soweto	Gaositoe LEEPO	Teacher Mapetla Secondary School. Sec 6 TA. Rel. 24.9.80.
19.9.80	Soweto	Motsomi MOKHINE (18)	Pupil Mapetla Secondary School. Sec 6 TA. Rel. 22.9.80
23.9.80	Mdantsane	Hintsa SIWISA	Attorney. Proc R252
24.9.80	Whittlesea	David MNGXEKEZA	Field worker of SACC. Detained by Ciskei police.
25.9.80	Guguletu	Mzonke JACOBS	Pupil Fezeka High School.
25.9.80	Guguletu	Moses 'Voli' MABUYA	Pupil I.D. Mkize High School. Member SRC.
28.9.80	Potgietersrus	Molly KEKANA	Pupil Gojela High School.
28.9.80	Potgietersrus	Mancha MANAKA	Pupil Gojela High School.
28.9.80	Potgietersrus	Mapule MAHODI	Pupil Gojela High School.
28.9.80	Potgietersrus	Sammy TLOUBATLA	National sec. AZAPO.
28.9.80	Thohoyandou	Shonisani TSHIVASE (22)	Student Venda College of Education. GLA.
28.9.80	Potgietersrus	Nimrod YENDE	Vice Chairman Soweto Branch AZAPO.
1.10.80	Guguletu	Gladstone Mandla BUTI (20)	Pupil. CPA. 1.10.80
1.10.80	Guguletu	Kenneth DANTILE	Pupil. CPA.
1.10.80	Guguletu	Lonwabo HASHE	Pupil. CPA.
1.10.80	Guguletu	Ayanda MALONI	Pupil. CPA.
1.10.80	Guguletu	Andile XHEGO	Pupil. CPA.
10.10.80	New Brighton	Sibonile SIYONGWANA (20)	Sec 22 GLA
12.10.80	Port Elizabeth	19 Youths	Sec 22 GLA
20.10.80	Cape Town	Ivan SMITH	Member SRC Spes Bona High School.
22.10.80	KingWilliamsTown	Vuyani QWATI (20)	Pupil Zeleni High School. Proc. R 252.
28.10.80	Port Elizabeth	Tango LAMINI	Chairman of COSAS. CPA
29.10.80	Umtata	Marcus NGANI (48)	Post reporter in Transkei. Sec. 47 TPSA. Rel. 6.11.80.
31.10.80	Umtata	Lewis SKWEIYA	Durban advocate. Transkei Security regs.
1.11.80	E. Cape	10 members of COSAS	—
4.11.80	East London	Thozamile GQWETE	National Organiser SAAWU. Ciskei regs.
5.11.80	East London	Sifa NJIKALANA	Branch sec. SAAWU. Ciskei regs.
9.11.80	Mdantsane	Robert GQWETA	SAAWU Official
9.11.80	Mdantsane	Xolani KOTA	SAAWU Official
9.11.80	Mdantsane	Humphrey MAXGWANA	SAAWU Official
9.11.80	Mdantsane	September MPAKATI	SAAWU Official
9.11.80	Mdantsane	Welile MZOZOYANA	East London chairman AFCWU
9.11.80	Mdantsane	Oria NNDINGANI	SAAWU Official
9.11.80	Mdantsane	Afred NOKO	Vice-President AFCWU
9.11.80	Mdantsane	Mr. QWESHA	AFCWU Official
9.11.80	Mdantsane	Karel SCHIPPERS	FCWU Official
9.11.80	Mdantsane	Wilson SIDINA	WPGWU Official
9.11.80	Mdantsane	Bamgunzi SISONGO	SAAWU Official
9.11.80	Mdantsane	Lawrence TULUMA	SAAWU Official
9.11.80	Mdantsane	M VAN GRAAN	President FCWU

Abbreviations:

AFCWU — African Food & Canning Workers' Union	Proc. R252 — Proclamation R252. Ciskei Emergency Regulations	Security Act
AZAPO — Azanian Peoples' Organisation	SAAWU — South African Allied Workers' Union	TA — Terrorism Act
COSAS — Congress of South African Students	SACC — South African Council of Churches	WPGWU — Western Province General Workers' Union
CPA — Criminal Procedures Act	Sec. 47 TPSA — Section 47 Transkei Public	
FCWU — Food & Canning Workers' Union		
GLA — General Law Amendment Act		

POLITICAL TRIALS

CONVICTIONS

SOMNGCUKA and OTHERS

Two men from Zwile township, Port Elizabeth, were each sentenced to five years imprisonment by a Port Elizabeth regional magistrate on 2 October 1980. Mlungisi Elliot SOMNGCUKA (22) and Monde Dugmore JOHNSON (23) were both found guilty under the Terrorism Act of having unlawfully consented to undergo military training outside South Africa between May and July 1980. The case of Thamba MTSELU (28), who appeared with the two accused but unlike them pleaded not guilty, was postponed.

Somngcuka (also spelt SOMANGAMBA) and Johnson were arrested in Montshiwa, BophuthaTswana after travelling there by train from Port Elizabeth, en route to Botswana.

B.P. Loots, regional magistrate, said that he was compelled to sentence the two men to a minimum of five years. If it was in his power, he would have given them a shorter term of imprisonment. He further said that he would make a point of seeing that they received lenient treatment in prison, including the opportunity to continue their studies. Their cooperative attitude, he said, was "rare and unique" (*RDM/Post 2.10.80*).

MAGINGXA and OTHERS

A former clerk in the Transkei civil service, Thembele MAGINGXA (21), was sentenced to an effective term of one year's imprisonment in October by the Umtata regional court. He was found guilty on three counts — two under the Transkei Public Security Act and one under the Transkei Constitution Act — of preparing and distributing three sets of pamphlets deemed expressive of sentiments of hatred against the Transkei regime. The anonymous pamphlets,

found in the Mount Frere and Qumbu districts in October 1979, were said to have described Transkei officials as SA government stooges and to have encouraged a boycott of the Transkei independence celebrations.

Magingxa, a member of the opposition Democratic Progressive Party, was detained in the Transkei in late 1979/early 1980. He appeared in the Umtata Magistrate's Court with three others on 23 January 1980, on charges under the Transkei Public Security Act, and was remanded in custody until February 11. In April however, he was reported to be seriously ill from the effects of a hunger strike and to have been admitted to Umtata General Hospital under police guard.

Magingxa's father had died while he was in detention, but he had been refused bail to attend the funeral. (*S. Post 12.10.80; FOCUS 27 pp 10, 11, 12; 28 pp. 4, 5*).

Zoyisle (William) NELANI (46) was also reported in October to be facing similar charges in the Transkei Supreme Court (*S. Post 19.10.80; Focus 30 p. 5*).

BENTLEY and MZINYATHI

The trial of Bingo Mbonjeni BENTLEY (46) and Archibald Monty MZINYATHI (24) was concluded in the Johannesburg Regional Court on 9 October, more than a year after charges were laid under the Terrorism Act. Mzinyathi, of Soweto, was sentenced to seven years imprisonment on conviction of returning to South Africa as an ANC guerilla after undergoing military training in the USSR. Bentley, a well-known Eldorado Park actor and Mzinyathi's step-father, was acquitted of harbouring him on his return to South Africa in 1978.

Mzinyathi's defence counsel had asked for

the minimum mandatory prison sentence of five years, on the grounds that convicted guerillas were given "a tough time in jail" (*RDM 10.10.80; FOCUS 23 ff*).

SITHOLE and OTHERS

Two of the seven young men from the Durban area charged under the Terrorism Act with planning to go for military training were convicted in the Durban Regional Court in October after a year-long trial. Mandla James SIBISI (20) and a 16 year-old youth were each sentenced to five years imprisonment. Five others — Njengabantu SITHOLE (21), Ramatlotlo MOSES (21), Christopher Sitembiso NZUZA (20), a 17 year-old youth and a 16-year-old, were acquitted (*RDM 15.10.80; FOCUS 26 p.7, 27 p.13*).

MOGALE and MAKUNYANE

The president of the Congress of South African Students (COSAS), Ephraim MOGALE (23), and a former student of the University of the North, Thabo MAKUNYANE (24), were each sentenced to eight years imprisonment by the Pietersburg Regional Court on 17 October. They were convicted under the Terrorism Act of furthering the aims of the ANC and of communism. Makunyane, who is a member of the Black Arts Council, was also sentenced to two months on each of two counts of possessing subversive literature, the three sentences to run concurrently.

The two students were alleged to have recruited youths into the ANC and to have formed youth clubs with the aim of preparing for an uprising (*RDM 18.10.80; S. Post 19.10.80; FOCUS 31 p.2, 30 p.5*).

CONTINUING TRIALS

NINE ANC GUERILLAS

The State closed its case in the Silverton siege trial on 13 October 1980, after a statement from the ninth accused, Thomas MNGADI (29), was handed into the Pretoria Supreme Court. The nine alleged ANC guerillas are charged with treason, attempted murder and terrorism in incidents including an attack on the Soekmakaar police station and the siege at the Silverton branch of the Volkskas Bank in January 1980 (*see FOCUS 28 ff*).

Giving evidence during the presentation of the defence case, Petrus MASHIGO (20), the second accused, said that the attack on the Soekmakaar police station had been intended as an "armed propaganda" attack in protest at the forced removal of black residents in the area, and to demonstrate that the ANC sympathised with them.

Mashigo also described the training that he and 120 other South Africans had received in Angola. He said the ANC was against the type of violence carried out by the Red Army in Japan and the recent bombing at the Munich Oktoberfest. They had been instructed not to use methods which involved the killing of civilians or to take hostages for ransom and kill them when their demands were not met.

Moses MOLEBATSI (27) said the policy of the ANC was to attack targets which were symbols of apartheid but it was "against indiscriminate killing". The trial continues (*RDM 14/18.10.80; S. Post 19/26.10.80*).

MAVI and OTHERS

The case against three executive members of the Black Municipal Workers Union (BMWU) has been repeatedly postponed in the Johannesburg Magistrate's Court, the latest being to 19 November 1980, pending a decision by the Attorney General.

Joseph MAVI, president of BMWU, Phillip DLAMINI and Gatsby MAZWI, both BMWU officials, are charged under the Sabotage Act in connection with the Johannesburg strike of black municipal workers in July 1980. They are on bail (*see FOCUS 30 p.4, 31 p.2*).

In October, Mavi formally laid a charge of contempt of court against the Johannesburg City Council, following the distribution by the Council of 140,000 copies of a newsletter defending its handling of the strike (*Post 30.9.80; RDM 2/8.10.80; CT 18.10.80*).

MODISE, NKOSI, MOGALE

The defence closed its case on 2 October 1980 at the trial before the Kempton Park Regional Court of Thandi Ruth MODISE (21), Khosi Moses NKOSI (24) and Slim Aaron MOGALE (21).

Ms Modise, who is facing three charges under the Terrorism Act, one under the Sabotage Act and another of arson or malicious damage to property, subsequently described to the court how she underwent military training

in Angola and had the ideology of the ANC explained to her. She said that the ANC's aim was for South Africa to belong to all its people, irrespective of colour and that everybody was entitled to enjoy equal rights. At Funda, in Angola, she was instructed in guerilla warfare, specialising in sabotage, topography and reconnaissance, and learned how to use the Scorpion and Uzi firearms.

Nkosi, the father of Modise's child, told the court that he met her in February 1979 after she returned to South Africa, and while he was employed as an outdoor salesman. He and Mogale, Modise's cousin, both described a bag which Modise asked them to look after, containing a Scorpion pistol and ammunition (*RDM 3/24/25/28.10.80; FOCUS 28 ff*).

RIBEIRO and OTHERS

A Mamelodi medical practitioner, Dr Fabian Defu RIBEIRO (48), Jan Caiaphas MASHILO (18), and a 16-year-old youth appeared before the Pretoria Regional Court on 16 October 1980 on five counts under the Terrorism Act. No evidence was led and the case was postponed to 28 October.

Dr. Ribeiro, who was detained in May 1980 (*see FOCUS 29 p.3*), is charged with inciting or encouraging seven youths to undergo military training outside South Africa and supplying them with money for their journey to

continued on p.9

OTHER TRIALS

SCHOOL PUPILS EASTERN CAPE

A very large number of pupils have been appearing in courts in the Eastern Cape in connection with the school boycott campaign. The scale of what has been happening can partly be seen from the numbers in the following trials involving over 1100 pupils arising out of incidents occurring during July, August and September.

- 126 students from Zwelethemba Trade School appeared in Zwelitsha Magistrate's Court on 9 July on charges of assault arising out of incidents on 6 July. 60 were found guilty and given 90 days, suspended for 6 years (*DD 25.7.80, 3.9.80*).
- 28 pupils aged 18 and 19 appeared in Zwelitsha Regional Court on 24 September, on charges arising out of the stoning of a house on 8 September. The case was remanded till 3 October (*DD 25.9.80*).
- 262 pupils from Ngcelwane High School appeared in Mdantsane Magistrate's Court on charges of attending a public gathering on 11 September. They were charged under Section 13 of the Ciskei emergency regulations. The case was postponed till 22 October. A lawyer who was to have represented them, Mr. SIWISA, was detained by Ciskei police (*see DETENTIONS*) (*DD 12.9.80; Post 24.9.80*).
- 252 pupils between 12 and 20 years old from Themba Labantu High School appeared in Zwelitsha Magistrate's Court on 24 September charged with illegal gathering. They paid admission of guilt fines and the charges were withdrawn (*RDM 25.7.80*).
- 427 people, including 418 pupils from 5 schools in the district, appeared in Whittlesea Magistrate's Court on 15 September charged with violence. The case was postponed to 22 September and then to 3 November (*DD 16/24.9.80*).
- Six pupils from Khulani High School appeared in Mdantsane Magistrate's Court on 3 September on charges of sabotage. They were Zukiswa MAPEYI (19), Malisa MBIDLANA (29) and four others aged between 15 and 17. Their appearance was in connection with the burning of books at their school on August 13. The case was postponed till 3 October (*DD 4.9.80*).
- 41 pupils appeared in Adelaide Magistrate's Court on 20 August charged with public violence. Charges against 10 were withdrawn and the case against the rest was postponed till September. Their bail was withdrawn when they failed to comply with one of the conditions of the bail, namely that they go back to school and attend classes (*Post 25.8.80; DD 27.9.80*).
- 33 pupils appeared in Fort Beaufort Magistrate's Court on 27 August on charges of public violence arising out of incidents in the township during the previous weekend. The case was postponed till 1 October. 10 other pupils, between 14 and 17 years old, also appeared *in camera* on charges of public violence (*DD 28.8.80*).
- 18 pupils at Siseko High School appeared in

Middledrift Magistrate's Court on 28 August on charges of public violence, after the burning of school books and stoning of police (*Post 25.8.80*).

- 9 pupils from 2 secondary schools appeared in Alice Magistrate's Court on 28 August charged with burning departmental books and arson. All were remanded in custody (*DD 29.8.80*).

24 PUPILS IN PRETORIA

24 pupils are facing trial in the Pretoria Regional Court facing charges under the Riotous Assemblies Act. The case arises from an incident following the ceremony of the unveiling of the tombstone of Solomon Mahlangu on 27 April 1980, when 32 pupils and two journalists were arrested (*see FOCUS 28, p. 12*).

After several postponements, and the dropping of charges against the journalists, Willie BOKALA and Willie NKOSI, and against some of the pupils, the case resumed on 26 August. The pupils are accused of public violence or alternatively with attending an unlawful meeting (*Post 26/27.8.80*).

On 1 October the case was again postponed (*RDM 10.10.80*).

COSAS SECRETARY

Benjamin MODISE METSING (24), secretary of the Congress of South African students (COSAS) was given an 18 month sentence after pleading guilty to causing malicious damage to 20 examination papers. Six months were suspended for five years. Metsing who was appearing in the Orlando Magistrates Court has been granted leave to appeal against the sentence and has been released on bail (*Post 25/26.9.80*).

WORKERS AND TRADE UNIONISTS

SOUTH AFRICAN ALLIED WORKERS UNION

Thozamile GQWETA, National Organiser of the South African Allied Workers Union, and one of the trade unionists detained in November 1980 in the East London area, was charged earlier in the year under the Riotous Assemblies Act in two court cases.

After a strike by workers on a government project in Mdantsane in April 1980, he was detained and subsequently charged with inciting workers (*see FOCUS 31 p.2*). After a strike by workers at Raylite Batteries in East London in August he was arrested and charged with preventing people seeking work at the firm. He was released on bail on 28 August (*DD 16/19/29.8.80*).

The strike at Raylite Batteries, and an earlier one at the East London Plastics factory, National Converter Industries, occurred when the management refused to recognise workers' committees elected under the auspices of SAAWU. 128 workers at National Converter Industries were charged under the Riotous Assemblies Act. Four Raylite workers — three members of the workers committee and a union

shop steward — were charged with inciting workers to strike or to proceed with a strike, and were released on bail on 28 August. The four accused, all from Mdantsane, were Ndiphiwe MAKATALA, Lancelot BOOI, Vuyisile PATO and David TANDANI (*DD 19/21/29.8.80 and FOCUS 30 p.5, 31 p.3*).

KROMRIVIER FARMWORKERS

15 young men appeared in Strand Magistrate's Court in October on charges of public violence arising out of a strike at Kromrivier Apple Co-operative near Grabouw on 25 April 1980. Earlier convictions in the Grabouw Magistrate's Court in April, based on a plea of guilty, were withdrawn after the men claimed that the police administered electric shocks to obtain statements from them.

Several of the accused pointed out a security policeman stationed at Stellenbosch as the alleged torturer. He denied that he had administered electric shocks.

One of the accused also told the court that the prosecutor had told them to plead guilty as this would "make things easier for me".

The hearing was postponed to 18 December (*CT 28/29.20.80*).

CENSORSHIP

ZUBEIDA JAFFER

After more than two months in detention (*see FOCUS 31, p.10*) Zubeida JAFFER, a journalist on the *Cape Times*, appeared in Cape Town Magistrates Court on 15 October on 19 charges of being in possession of banned documents. She was released on R500 bail and the case was postponed till 5 November and then postponed again till 19 November (*RDM 16.10.80, 6.11.80*).

PRINTER OF PAMPHLET

Judgment was reserved in the Supreme Court on 3 November on an appeal by a printer against conviction and sentence for publishing a pamphlet by a banned person, Robert SOBUKWE. Abdul SAYED was convicted on October 29, 1979 and sentenced to 9 months suspended for 4 years. He said he had not read the pamphlet and had not known that its contents were offensive (*CT 4.11.80*).

DIE TRANSVALER

The Editor-in-Chief of *Die Transvaler*, Dr. Willem de Klerk, paid a R75 admission of guilt fine on 8 October for contravening Section 11 (g) *bis* of the Internal Security Act. The fine was the sequel to articles published in the pro-apartheid *Die Transvaler* in June 1980, quoting the vice-chairman of the ANC, Thabo Mbeki.

The ANC has been banned in South Africa since 1960, and legal opinion was that *Die Transvaler* and/or its executives could have been charged under any of a number of laws. Section 11 (g) *bis* provides for a maximum penalty of three years imprisonment. Dr de Klerk had been due to appear in the Johannesburg Magistrate's Court on 15 October (*RDM 30.10.80*).

continued from p.8

Mozambique. The youths are alleged to have met at Dr Ribeiro's Mamelodi home between January and April 1980.

Mashilo and the 16-year-old youth are charged with attempting to go for military training abroad. Mashilo is further alleged to have encouraged another youth to do the same, during meetings at Dr Ribeiro's house (*RDM 17.10.80*).

LEHULERE and OTHERS

Six pupils, five from Guguletu and one from Nyanga, appeared in the Athlone Magistrates Court on 16 October 1980 on three charges of sabotage, allegedly committed on 19 September 1980. The accused are: Oupa LEHULERE (20), president of the Fezeka High School SRC; Kent MKHALIPI (20), SRC vice-president; Gladstone

Mandla BUTI (20); Lonwabo HASHE (20) and two youths. A seventh pupil, Cynthia NDUNA (20), had her case postponed *in absentia* until 17 October.

The case was transferred to the Worcester Regional Court on 26 January 1981 and the accused ordered to remain in custody. Lehulere and MkhaliPI are both being held under Section Six of the Terrorism Act (*CT 17.10.80*).

PASS LAWS: TIGHTER CONTROL

Proposals for new legislation affecting the pass law system were published at the beginning of November 1980. They implement policies advocated by the Riekert Commission continue the trends in the development of the system that have occurred in the two years since the Riekert Report.

The proposals bear out the Prime Minister's statement in Parliament in April that the Riekert policies meant "a change in mechanism and not a change in principle" (*DD 30.4.80*).

A tightening of control over work-seekers from the rural areas, tying of residence rights to having a "lawful" job and approved accommodation, and intensified relocation of unemployed people to the bantustans would all result if the proposals become law.

A Black Sash representative, after an analysis of the bills, commented that "discriminatory laws were not being removed from the statute book, but the machinery for them was merely being transferred from one State department to another". She said that "the new laws would entrench racial discrimination and perpetuate African rural poverty" (*S. Exp 2.11.80*).

RESIDENCE "RIGHTS"

One of the bills, the *Black Community Development Bill* would, if enacted, replace the *Black Urban Areas (Consolidation) Act* (*T 31.10.80*). Until now this Act has been the principal means of controlling and regulating the presence of Africans in urban areas.

Section 10(1) of the *Urban Areas Act* in particular defines the conditions under which Africans 'qualify' to remain in urban areas for more than 72 hours. There are four groups of people: (a) those who have lived continuously in one town since they were born; (b) those who have worked continuously for one person in one town for 10 years or who have been lawfully resident in one town for 15 years; (c) wives and dependent children of a person who is qualified, provided that they are "ordinarily resident" with him and (d) people granted a permit to remain for a limited period, such as work-seekers or contract workers.

The new laws would replace these conditions with others.

All those with Section 10(1) (a) and (b) rights would be qualified under the new law.

But the main condition would be having lawful employment and approved accommodation. Without those a person would not be entitled to remain in the urban areas.

There are various effects of this change. Controls over Africans in the urban areas would,

as the Riekert Report recommends they should, be moved from the streets and the police to the places of employment and accommodation.

Those who do qualify are supposed under the new laws to be able to move freely from one town to another to change jobs.

But according to the Black Sash this would at best benefit young people who can easily find lodgings in a new town. Families will find it almost impossible to get the approved accommodation unless employers are prepared to give substantial help.

The officially acknowledged waiting list for houses in Soweto is 33,000 families, and similar shortages exist in all the rapidly developing urban areas where jobs are offered. There is no legal obligation on the Minister to ensure that accommodation is made available for Africans employed in the area (*RDM 5.11.80*).

Secondly the onus of proof would still be on Africans, in a way that it is not on white people, to prove that they have the necessary qualifications to make use of the concession. The monitoring of this will of necessity involve the carrying of what the draft bill calls the document "whereby the identity and right to be in the place where he is can be established". Failure to produce the document on demand by an authorised officer will be an offence.

The new residence rights will undoubtedly benefit some, but it is clear that the benefits will be limited both in terms of the numbers affected and in terms of their magnitude.

TIGHTER CONTROLS

For the rest the legislation involves tighter control, harsher penalties and much more restricted access to employment opportunities in the urban areas.

They would tighten the control over the movement of Africans into urban areas as the Deputy Minister of Co-operation and Development promised they would at the Cape National Party Congress in early October 1980 (*CT 2.10.80; S Exp 2.11.80*).

The ways in which this would happen are in line with the tightening of controls that has already taken place, through heavy fines on employers taking on 'unregistered' labour, through restricting recruitment of labour much more to the labour bureaux, and also through preferential treatment for people who already have rights to be in urban areas.

About six months ago officials in Johannesburg put a stop to migrants coming to the city to find jobs for themselves, and refused registration for jobs not given by the Labour Bureau, 20% of those coming to the black Sash advice offices have been people who have found jobs but cannot get registered (*RDM 5.7.80*).

Officials have also made it difficult for contract workers to transfer their contracts from one employer to another. Migrant workers' contracts used to be generally transferrable if a number of conditions were filled.

It was reported in July 1980 that the East

Rand Administration Board had even stopped taking the necessary steps to see if these conditions were fulfilled. A board official was reported as saying that this was because there was a surplus of labour on the Rand. The Board seems to have been following one of the Riekert proposals that migrant labour workers should only be allowed to stay in the cities provided there is 'no local labour', that is no-one wanting the job who has residence rights (*RDM 5.7.80*).

The new laws would continue these trends. They would confirm the practice of fining employers of unregistered labour R500, introduced a year ago. The penalties for contravening the laws, by being unlawfully in an area, can be suspended if the person is sent back to a bantustan, or renders community service, or is enrolled to train as an artisan (*RDM 5.11.80*).

RURAL POVERTY

Contract labourers who are forced into rural areas, through losing jobs or with the end of their contracts, and those who are prevented from going to the cities to seek work, frequently face a situation of extreme poverty.

The drought in recent months in several areas, particularly in Kwazulu and the Ciskei, drew attention to just how critical things had become. While extensive publicity generally attributed the problems directly to the drought, there have been many indications, from doctors, official reports and academic researchers, that the causes are long-standing and are in many cases directly attributed to the effects of apartheid policies.

A hospital doctor in Kwazulu pointed out that children with significant malnutrition have made up at least 10% of total admissions to the children's wards 'for years' (*Star 6.9.80*).

Problems in the Ciskei were made worse through the arrival of thousands of people driven into Ciskei resettlement camps. A Ciskeian government report estimated that 50% were unemployed and that almost half of Ciskei's children suffered from malnutrition (*Star 6.7.80*).

A Cape Town academic said that restriction on entry into urban areas combined with the recruiting system in the bantustans had a number of serious effects. It meant a tendency to reduce wages of migrant labour workers. It contributed largely and directly to the exceptionally high unemployment of African women who were virtually 'locked into' the bantustans unless they migrated illegally. It led to the confinement of Africans to poverty-stricken rural areas (*RDM 9.7.80*).

Another study by a social anthropologist at Witwatersrand University concluded that with high unemployment and 'relocation' of the unemployed to the bantustans, together with the absence of employment opportunities in the bantustans the earnings of migrant workers are having to be stretched further and further. "The intensification of this combination of factors has led to an increase in morbidity, poverty and infant mortality in the homelands" (*RDM 19.8.80*).

PRETORIA COMMISSIONER'S COURT

A senior public prosecutor in the Pretoria Commissioner's Court, Adam KLEIN resigned dramatically from his job at the end of August by refusing to proceed with the prosecution of five men under the curfew regulations.

He summed up his explanation of why he was refusing to continue the prosecution by saying "In short I am not prepared to apply apartheid under the

guise of justice" (*ST 31.8.80*).

Shortly afterwards another prosecutor resigned, the fifth to have done so in 1980 (*ST 21.9.80*).

The Pretoria Commissioner's Court was the subject of an investigation by the Johannesburg *Sunday Times* (*ST 31.8.80*) According to its report, in less than one half of a per cent of all cases do the accused have legal representation.

One hundred or more Africans are charged in Pretoria each month for not having paid the

General Tax even though the tax was abolished in 1977, the report said.

Last year, the same report said, over 1,000 Africans were sentenced to two years in labour colonies for being jobless for more than 122 days. Part-time or piece work was not counted as relevant, and the fact that the prosecuting official could produce a certificate from the local labour office that there was one job vacancy in Pretoria at the time was usually regarded as sufficient evidence to prove that the accused was 'idle' and unwilling to work.

PRISONS

CHILDREN ON ROBBER ISLAND

In August the Chairman of the United Nations Human Rights Commission, Mr. W. Sadi of Jordan, sent a telegram to the South African Minister of Foreign Affairs detailing a number of violations of human rights in South Africa and Namibia. Among these was the allegation that children as young as eight to ten years were being imprisoned on Robben Island (Tel. 27.8.80).

The S.A. Foreign Minister Mr. R.F. Botha replied by denying all the allegations in the telegram (see *NAMIBIA: KASSINGA DETAIN- EES*) saying that the UNHRC working group of experts had 'fabricated a series of untruths' against South Africa, and that there were no children on Robben Island (RDM 3.9.80).

At the same time the S.A. Prisons Department issued a statement saying that there were currently six juvenile prisoners sentenced for 'security' offences on Robben Island. Four were aged 17 and two aged 16 (Tel. 27.8.80). A week later the Prisons Department was quoted as giving the number as five — two aged 16 and three aged 17 (SP 7.9.80). One may have reached the age of 18 in the intervening period.

In addition there were eight other juveniles imprisoned on Robben Island for 'non-security' offences. It is not disclosed whether these were connected with political demonstrations; a large number of young Africans were jailed in 1977—8 for alleged public violence, arson, etc., which are not classified as 'security' offences.

According to Mrs. Helen Suzman who visited Robben Island in May (see *Focus* 29 p.9) and met the young prisoners, South African law specifically excludes juveniles convicted of security and 'certain other' offences from the provisions of the Children's Act, which states that offenders under 18 should be sent to reformatories and not to prison (GN 17.9.80).

According to the Prisons Department, juveniles on Robben Island are segregated from adult prisoners and have access to 'sporting facilities like tennis, volleyball, soccer and indoor recreation'. Reports made no mention of educational provision (SP 7.9.80). Of the six 'security' cases involved, four were aged 14—15 years on conviction and had only a rudimentary level of education. It is thought that at least two of these young prisoners were released on appeal later in September (See *Focus* 31 p.3).

It is clear that the South African courts

have sent children as young as 14 years to Robben Island. The following is the text of a letter (dated 13.4.78) sent from Sydenham Prison, Port Elizabeth to the mother of one boy after he was convicted of Sabotage, as quoted in the book *Justice in South Africa (1980)* by John Jackson:

"re: Prisoner 5463875 Mamli Masikane (14 years) I must advise that the above-named prisoner has been removed from my prison and will serve 5-year sentence in Robben Island. His removal has already been effected, in terms of our instructions received from Pretoria."

It is not known that any children as young as eight or ten (below the age of criminal responsibility) have been imprisoned in South Africa. However, many youngsters of that age were arrested in connection with demonstrations in 1976—7 (see Brooks and Brickhill, *Whirlwind Before the Storm*, IDAF, 1980, p.259) and held in police custody for several days or weeks (see also *Focus* 10 p.12).

In September it was reported that 12 young people in their teens were being held in detention under the security laws (see under *DETENTIONS*).

SA PRISON POPULATION AMONG HIGHEST

440 South Africans out of every 100,000 are prisoners. This makes the country's prison population among the highest in the world, if not the highest.

The figures which show this are in the annual report of the South African National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro).

The prison population (per 100,000 people) for the year under review for the countries cited were as follows:

South Africa	440
United States	189
Kenya	165
Israel	137
Ivory Coast	130
Finland	101
United Kingdom	75
France	75
India	36
Netherlands	21

(CT 15.10.80).

MANDELA LOSES CASE ON PRISONERS' ACCESS RIGHTS

In what was regarded as a test case on the rights of convicted prisoners to communicate with their legal advisers, Nelson MANDELA failed to obtain a Supreme Court order permitting him to hand written instructions to his attorney freely.

The case arose out of the refusal by the Robben Island prison authorities to allow Mandela to hand to his attorney documents setting out information for his defence against

charges made in January 1977 of contravening prison regulations.

Mandela had not wanted to communicate the contents of the documents verbally as he believed the conversation was being overheard and recorded. He had eventually been given permission to hand over the documents at the hearing of the charges, but the charges were all withdrawn and the attorney had not been notified of the date of the hearing.

In dismissing the appeal, the Judge-President of the Cape said that the prison regulations prohibiting the handing of any document without permission to a legal representative, covered written instructions to a legal adviser: "It seems most unlikely", the judge said, "that the legislature would have intended to permit the untrammelled and uncensored removal from prisons of all documents alleged by convicted prisoners to contain confidential instructions to their legal advisers" (CT 1/24.10.80).

FIVE WIN APPEAL

5 Robben Island prisoners successfully appealed in the Supreme Court against conviction and sentence on a charge of public violence.

They had been convicted at a Regional Magistrate's Court hearing on the island on 26 July 1979. They were alleged to have attacked prison officials. In granting the appeal the judge said that there was not adequate evidence to identify the prisoners as having been involved in the alleged incident (CT 21.10.80).

RELEASE CAMPAIGN

There have been renewed calls in Africa and Europe and at the United Nations, for the release of Nelson Mandela and all South African political prisoners (see *FOCUS* 28, 29, 31).

At a meeting of Solidarity with South African Political Prisoners, organized by the UN Special Committee Against Apartheid on 10 October, a number of speakers made this call. It was also made by a meeting of African social affairs ministers, in Addis Ababa.

In Europe, participants in a symposium of African literature at the international Frankfurt Book fair, including 30 authors from 12 African countries called for the release of Mandela and all other political prisoners (SP 12.10.80; CT 13.10.80).

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SOUTH AFRICA— "CRACKDOWN" IN EAST. CAPE

On the last day of October 1980 a series of detentions began in the Eastern Cape which the Eastern Cape divisional head of the Security Police said could be described as a 'major crackdown'.

This came after weeks of growing tension in the region and a number of signs that the government was preparing for drastic action.

Within a fortnight 15 leading trade unionists from four unions were detained in the East London area and at least 16 people were held in Port Elizabeth in connection with the school boycott, including officers of the Congress of South African Students (COSAS) and the Port Elizabeth Students Committee (PESCO). (RDM 31.10.80, 6/8/10.11.80).

There has been intensified police activity in the townships and in Port Elizabeth police shot four people dead on 5 November (Tel 7.11.80).

The Eastern Cape has been an area of sustained and widespread action both by pupils and by workers.

On 9 October the Minister of Manpower Utilization intervened in the labour field by convening a meeting 'behind closed doors' with local employers (RDM 9.10.80).

On 14 October top government officials and representatives of the security police, the police counter-insurgency unit and the defence force held secret emergency talks at a defence force base near Port Elizabeth to discuss the growing crisis resulting from the school boycott (T 15.10.80).

TRADE UNIONS

The Minister of Manpower Utilization's meeting with East London employers was held against a background of a series of strikes, several of them over union recognition, and a dramatic growth in union membership in the area.

The Minister spelt out the government's attitude to the labour unrest in the area,

regarded by many as a 'crucial test' for the government's new labour policies. He urged employers not to deal with unregistered unions and to 'hold out' until March when a law would be introduced to assist them (RDM 9/31.10.80).

Earlier action by police and security police in the region against officials of unions and workers taking action over union recognition has been reported in previous issues of *FOCUS*. Bonisile NORUSHE, secretary of the East London Branch of the African Food and Canning Workers Union (ACFWU), still in detention, was detained on 18 June after a strike at the Western Province Preserving Company (see *FOCUS* 30 p.7). Thozamile GQWETA was first detained on 20 April after a strike of workers on a Ciskei government project (see *FOCUS* 29 p.3). In addition a number of union officials or organisers have appeared in court on charges arising out of industrial action (see *OTHER TRIALS*).

Despite such actions and the refusal of most employers to recognise the unions, workers have been joining in very large numbers. The South African Allied Workers Union (SAAWU) says that its membership increased from 5,000 in March 1980 to 15,000 in August.

This union refuses to register under the government's new system of bargaining machinery, as does the ACFWU and another union affected by the latest detentions—the Western Province General Workers Union (WPGWU). They fear the controls involved in the official bargaining system (RDM 10/31.10.80).

Apart from the question of registration, the rapid growth in the number of union members and their readiness to take action was reported as causing a sense of crisis in East London (RDM 31.10.80).

SCHOOL BOYCOTT

By the time of the emergency security talks on 14 October 1980 there had already been extensive police action during the previous months against boycotting pupils as well as detentions. Non-primary schools had been indefinitely closed for a month and many lower primary schools were effectively, though not officially, closed (FM 31.10.80: see also *FOCUS* 31 pp.1,

5 and *OTHER TRIALS* in this issue).

Although there have been many arrests and some clashes with police, violence has been minimised by a policy on the part of the pupils of avoiding direct confrontation with the police. This was stressed when pupils decided at a mass meeting in Port Elizabeth to return to school on 2 September but not to resume lessons until their short-term demands were met. A spokesman appealed to pupils after the meeting not to gather in school grounds and to go into their class rooms to avoid confrontation with the police (DD 2.9.80).

The short-term demands of the pupils were for: detained pupils to be released; transferred teachers to be returned; school facilities to be improved; a committee of parents to be recognised as negotiators for the pupils; and a government commitment to a committee of educationists recognised by Africans to investigate the education system and prescribe a single education system for all. 15 September was set as a deadline for the Minister to meet the short-term demands (DD 2.9.80).

A week later at least ten pupils were detained and on the same day the Minister of Education and Training announced that all the non-primary schools in the area were indefinitely closed (see *FOCUS* 31 pp 1,5).

The Minister has repeatedly refused to talk with the elected parents' committees and has insisted on discussing matters only with bodies he approves of, the community councils and schools committees (SP 17.8.80, 14.9.80). He has had meetings with community councils from Grahamstown and Port Elizabeth and with a delegation of chiefs from the Ciskei (CT 18.8.80; DD 24.9.80). Since these bodies are not recognized by the pupils or parents, no progress was made in breaking the deadlock.

In the face of the refusal to speak to them, members of the Port Elizabeth Parents' Committee asked the South African Council of Churches (SACC) to negotiate on their behalf on the basis of the demands formulated by the pupils (SP 28.9.80). However the meetings at which the Secretary-General of the SACC was to report back to pupils and parents on his meeting with the Minister were banned (RDM 29.10.80). Two days later the detentions began.

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