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NAMIBIA: PRISONER-OF-WAR STATUS

Widespread public interest was generated in Namibia from May onwards by the resumption of trial proceedings against three SWAPO guerrillas convicted under the South African Terrorism Act. The arguments of the defence in mitigation dwelt at length on the case for captured SWAPO combatants to be treated as prisoners-of-war in terms of the 1949 Geneva Conventions on the international laws of war, and the additional Protocol 1 of 1977 dealing with wars of national liberation from colonial or racial domination. A number of prominent public figures were called to the witness box of the Windhoek Supreme Court by the defence, including three well-known local journalists, and a South African legal expert and academic. The case has been regarded as controversial because of the presumption that, if prisoner-of-war status were to be conceded by the court, a precedent would be created for future trials of captured combatants (WA 14.5.82).

The three combatants concerned, Theofilus JASON, Lucius Nangala MALAMBO and Josef SAGARIUS, were all found guilty in the Windhoek Supreme Court in February this year, on charges under the Terrorism Act of infiltrating the country with a group of 22 guerrillas in April 1981 and taking part in various acts of sabotage in the white farming region between Otavi, Tsumeb and Grootfontein. In a surprise intervention just before sentence was due to be passed on 25 February, the Supreme Court was informed that finance had been obtained for the three defendants to be represented by a Senior Counsel, Bryan O'Linn of the Windhoek Bar Council, who would lead evidence in mitigation. The three men had up to this point been represented

pro deo. At the request of Senior Counsel, the trial was postponed until 11 May (WO 8.5.82; FOCUS 40 p.8).

Josef Sagarius, who was severely wounded during the events leading to his capture in 1981, still had one leg in plaster when the trial resumed and had to be assisted into the court. Medical opinion was called in to assess the ages of the three men, estimated at between 20 and 24.

Between 30 and 40 SWAPO supporters packed the public gallery of the Windhoek Supreme Court to hear the defence witnesses called from 11 May onwards. The presiding judge, Justice Kenneth Bethune, indicated at the outset that the court would listen to all the evidence presented before making a final ruling on whether or not it was relevant to the case. It was made clear that the overall thrust of the defence would be the argument that the three convicted men, by virtue of the fact that they were engaged in an armed struggle for political reasons, and that the war had been forced upon them through the policies of the South African authorities in Namibia, should not be treated as ordinary criminals (WA 13/14.5.82).

The three journalists to be called by Senior Counsel were Angel Engelbrecht, formerly of *Die Suidwes-Afrikaner* and now of *Die Republikein*, Max du Preez, head of the Nasionale Koerante Bureau in Namibia, and Hannes Smith, editor of the *Windhoek Observer*. Engelbrecht, a journalist and political reporter

in Namibia since 1947, reviewed the rise of the nationalist movement during this period and the escalation of the armed struggle. He said that while he had little to do with the armed forces or directly with guerrilla action, SWAPO in his opinion enjoyed strong support in Namibia (WO 15.5.82).

Smith, an accredited military correspondent who was *subpoenaed* to appear before the court, said that the war being waged by SWAPO was a political one, all other options having been blocked by security legislation. In his personal opinion, SWAPO was a very strong political movement and possibly the majority party in Namibia. SWAPO's armed wing PLAN numbered about 6,000 combatants with other reserves in training. Its command structure

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SENTENCES PASSED

The trial of the three combatants ended at the beginning of June, with the following prison sentences being imposed:

- Theofilus JASON — nine years
 - Josef SAGARIAS — nine years
 - Lucius MALAMBO — eleven years.
- (BBC 4.6.82)

namibia

TWO MORE YEARS OF RESTRICTION FOR SWAPO LEADER

A few days of relative freedom were all that were allowed to SWAPO's Acting President inside Namibia, Nathaniel MAXUILILI, before his banning order was extended for a further two years at the end of May/beginning of June. His previous ban, which expired on 20 May this year, has confined him to the Walvis Bay enclave since the late 1960s, preventing him from writing or speaking publicly or taking any active part in SWAPO.

In an interview recorded on 20 May in his home in the black township of Kuisebmond in Walvis Bay, Maxuilili spoke of his motives for joining the liberation struggle and his lack of bitterness towards the white minority — 'We don't hate the South Africans,' he said, 'we only hate the South African government. It is not the people we do not like, but what they did was a sin.'

'They can call us communists if they want, but I believe in the Almighty God, in the principles of the Bible, of love thy neighbour, whether he is black

or white.... My people are suffering and we can take the example of Jesus who came from Heaven to save his people. I only took an example from Him. One cannot expect freedom to come easily, we have to fight for it — if necessary.' (WO 22.5.82).

Nathaniel Maxuilili, also known as Immanuel Gottlieb, was born in the Ovambo region in 1926. He attended a mission school and later moved to Walvis Bay to seek further education. He became a lay preacher, although he was never officially ordained, and worked among other things as a policeman on South African Railways. In April 1959, he was a co-founder of the Ovamboland People's Organisation (OPO), later re-formed and renamed as SWAPO (*'Battlefront Namibia', an autobiography by John Ya-Otto, with Ole Gjerstad and Michael Mercer, Heinemann 1982, p.67*).

In 1967-68, Maxuilili was one of 37 accused in the Pretoria Terrorism Trial — the first time that the newly enacted South African Terrorism Act was put to use against the Namibian liberation struggle. Together with John Ya-Otto and Jason Mutumbulwa, he was sentenced in February 1968 to five years imprisonment, all but one month of which was conditionally suspended. Other defendants, who included Hermann Toivo ja Toivo, re-

ceived five year or 20 year sentences, or, in 20 cases, life imprisonment.

On completing his prison term, Maxuilili was issued with a three year banning order, confining him to Walvis Bay and forbidding him to speak publicly or to meet more than five other people at a time (WO 22.5.82; *'Battlefront Namibia' ibid, p.138* — Ya-Otto refers to a five year banning order as being imposed).

In 1972, shortly after the visit to Namibia of the United Nations special representative, Dr Escher, Maxuilili was issued with a five year banning order restricting him to the Kuisebmond township. The ban was renewed for a further five years in May 1977, this time restricting him to the magisterial district of Walvis Bay, prohibiting him from entering factories or schools, attending social gatherings or political meetings, writing or publishing. He is the only Namibian to have been banned under the South African Internal Security Act.

As a result of his banning order, Maxuilili did not see his father before the latter died in 1971 and was not able to visit or see his mother again after that date. His three children all left the country in 1975 (WO 22.5.82). His restriction order was temporarily lifted in 1978 to enable him to meet the UN Special Representative, Marti Ahtisaari in Windhoek (FOCUS 11, p.14, 18, p.14).



SWAPO's Acting President inside Namibia, Nathaniel Maxuilili, with his wife Windeline, outside their home in the Walvis Bay township of Kuisebmond. He has been under restriction in the four-roomed house since the late 1960s.

ROBBEN ISLAND PRISONER DETAINED

A SWAPO leader who spent eight years on Robben Island was rearrested in the north of Namibia on 12 March this year and is being held, it is believed, under Proclamation AG9.

Jacob NGHIDUNA was transferred to Windhoek Central Prison in October 1981 pending his imminent release, having served an eight year sentence on Robben Island under the Sabotage Act. The former Vice-Chairman of the SWAPO Youth League, he was sentenced by the Swakopmund Supreme Court in November 1973 together with other SWAPO youth leaders Jerry EKANDJO and Martin KAPAWASHA (FOCUS 38 p.8).

Nghiduna is believed to have been arrested under AG9 in his home area of Ongenga, reportedly for breaking curfew regulations. His place of detention is not known.

DEATH IN DETENTION

A 30-year-old woman was found dead in her cell at the Windhoek Magistrates Court on 5 March, after being arrested and detained by the police a number of weeks previously. Her name was not given.

The woman was one of about 200 people arrested in a police raid against 'vagrancy' in the Katutura Single Quarters. Most of the detainees were held on charges of trespassing. An inquest was due to be held on the deceased, despite police opinion that she might have died from natural causes (WA 6.3.82).

DETENTION IN THE WAR ZONES

The silence which usually surrounds the arrest, detention and interrogation of suspected SWAPO sympathisers and others in the north of Namibia has been broken in a number of instances recently. In the Kavango region in particular, where there has been an upsurge of guerilla activity, substantial numbers of local people suspected of having assisted SWAPO combatants in launching attacks on the security forces, have been arrested and held for questioning.

Military activity in the west of Kavango, between the administrative and military centre of Rundu and the Ovambo region, has reached a peak of intensity not seen for the previous four years. A 'six-to-six' curfew exists throughout the area while in Rundu itself, no one is allowed to move around on foot after midnight. The police do not travel on roads leading westwards from Rundu except in armoured vehicles (WO 22.5.82; WA 17.5.82).

On 11 May, in the course of a spate of guerilla activity, the settlement of Nkurenkuru in north western Kavango witnessed attacks both on its police station and against South African soldiers serving as teachers at the Kandjimi Murenga Secondary School. Local people, including school students, were believed by the authorities to have guided the guerillas to their targets, and numerous reports of arrests, including that of a 17-year-old pupil

at the Kandjimi Murenga School, followed.

Two armed and uniformed SWAPO insurgents were also reported to have been arrested in Rundu's black township shortly after the attacks (WA 17.5.82; WO 22.5.82).

A few days after the attacks, a delegation from the Namibia Christian Democratic Party addressed a public meeting in Nkurenkuru, attended by reporters from the Namibian press. Members of the audience told journalists that they had been detained and ill-treated by security forces in recent months. Suspected SWAPO collaborators were jailed in groups of eight, with some of the prisoners suffering severe beatings and electric shocks, they said. One of those detained, Jakko KANGAJI, the headmaster of the Kandjimi Murenga Secondary School, was imprisoned from 29 December to 12 January. Jonas TJAPUA, another detained suspect, told the press that he feared a repeat visit by the security forces. 'We cannot ask questions', another person said. 'If we ask questions here or dare to say what we feel in our hearts, we may vanish during the night.' The NCDP meeting itself was watched over by security force members in a four wheel drive vehicle (WA 18/19.5.82; WO 22.5.82).

The detentions in Nkurenkuru (presumably other than those in connection with the recent guerilla attacks) were reportedly the subject of a special inquiry carried out by the SWA Territory Force following allegations of security force maltreatment and torture of prisoners (WA 19.5.82).

Pressure from church bodies, who have

been particularly active this year in exposing security force brutalities and taking up the cases of injured parties (see FOCUS 40 p.11), has proved a successful counter to official censorship on the subject of arrests and detentions, in some instances.

In May, for example, a security force spokesman confirmed details of the detention of a Lutheran pastor, Rev. Jason HAUFIKU, and a teacher Sarah SHIVEKA, after their case had been publicised internationally by the Lutheran church. Rev. Haufiku, pastor of the 10,000 member Engela parish of the Evangelical Lutheran Ovambokavango Church near the Angolan border in central Ovambo, was arrested by South African soldiers on 27 March. According to details published in the newsletter *Lutheran World Information*, six soldiers — five of them whites with their faces smeared black — arrived at his home at about 9pm, asking him to identify five or six people on a list. He was then required to take the soldiers to the home of Sarah Shiveka, where she also was arrested. Subsequent inquiries by Lutheran church officials at the local Ohangwena military camp simply produced denials that any information was available (LWI 14/82).

It was later learned that the two were being detained for questioning in Oshakati, but it was not until 5 May — nearly a month after their release — that a security force spokesman confirmed that they had been released around 8 April (WA 6.5.82).

DISPLAYS OF CORPSES CONTINUE

Despite criticism by, among others, representatives of the British Council of Churches who visited Namibia in November 1981, it is apparent that the South African forces in Namibia are continuing to mount public displays of the corpses of war casualties, for propaganda and other reasons.

In Kaokoland, north western Namibia, where guerilla incidents are described as having 'sky-rocketed' since the beginning of this year, guerillas killed in engagements are displayed at the police camp outside the regional capital of Opuwo. A police source claimed that this had been done 'because the local population requested it', 'so as to make the war more real'. It was further alleged that, since the guerillas concerned came from a different tribe from that of local people, 'emotions could not be agitated by the practice'. No one was forced to look at the bodies, since the police camp was out of town (WA 26.4.82).

Several guerillas shot in police counter-insurgency operations in the mountains south east of Opuwo at the beginning of April, were displayed at the camp over three consecutive days (WO 8.4.82).

According to the press, the South African army in Opuwo decided some time ago to stop the practice of taking guerilla corpses around the town, as it had proved to be damaging to public relations (WA 26.4.82).

The display of corpses is also found in the Ovambo and Kavango regions further east. The BCC delegation concluded that the security force practice of dragging the bodies of those killed in combat through the villages, tied to their vehicles, was not only deeply offensive to the Ovambo people, but totally counter-productive. The bodies of the young men concerned were exhibited to their parents and to young children in school (Namibia — A Nation Wronged, BCC Report November 1981, see FOCUS 40, p.11).

According to a letter published in the *Windhoek Observer*, a similar incident occurred in Rundu, the capital of Kavango, on 14 December 1981. South African troops went on a drinking and shopping spree around the town, with a corpse tied to the side of their army truck. The Officer Commanding HQ Sector 20 of the South African Army, based in Rundu, subsequently denied in a letter to the newspaper that any army personnel had been involved in the incident. He claimed that the guerilla concerned had been shot and killed on 14 December by 'a non-army organisation which is in no way tied up with the South African Defence Force or the Territorial Force of South West Africa'. The practice had been stopped, he said, after a report had been received at the local army headquarters (WO 30.1.82, 6.3.82).

The officer did not reveal the identity of the security force unit involved; it could possibly have been a police unit.

INCIDENTS AT WORKERS' HOSTEL

Several residents of the municipal hostel for contract workers in Katutura were knifed, apparently by black policemen of the Special Constables, in incidents during May. Two of those wounded were hospitalised in a serious condition.

While it was uncertain exactly how the disturbances began, it has been clear for some considerable time that the deployment of Special Constables in the compound to maintain order, keep a check on illegal residents, etc., is a source of great friction and tension among residents. The Special Constables, comprised of Ovambo tribal police under the command of white South African policemen, were introduced into the Katutura hostel on a permanent basis in August 1980 (FOCUS 31, p.7). Rumours have recently been circu-

lating among hostel residents that some of the Special Constables are in fact members of the elite police counterinsurgency unit, Koevoet ('Crowbar'), who have been seconded to Windhoek from the north (WO 15.5.82).

According to one local journalist, 'there is little doubt that these men, whether they be members of the Police, the Army, Koevoet or whatever, seriously intimidate residents of the "compound" rather than providing a protection service. Their presence there makes the "compound" appear even more bleak, and more like a prison than a place of residence for contract workers' (WO 15.5.82).

According to eyewitnesses of the events on 8 May, several off-duty Special Constables were present in the compound, wearing civilian clothes but all in possession of knives. One

newspaper report said that the constables had told some of the hostel residents to stand in a row so that they could be searched. While this was going on, one of the residents fell forward with a stab wound, having apparently been knifed by one of the constables. Several people were injured in the scuffle that followed. Other residents were beaten up when black and white police, armed and in camouflage uniforms, arrived to reinforce the constabulary (WA 10.5.82; WO 15.5.82).

Two newspaper reporters subsequently witnessed hostel residents being beaten by Special Constables with rifle-butts and sticks, as they arrived back at the compound gates after work (WA 11.5.82).

POLITICAL TRIALS

Three SWAPO supporters continued to accuse the Windhoek security police of coercing them into signing false statements, when they reappeared before a Windhoek Magistrates Court at the beginning of April.

The three women, Lea HISKIA (22) (previously spelt HISIKA), Belinda ONESMUS (17) and Sarah MUFETI (23), were charged with perjury after they refused to act as state witnesses against SWAPO members Alex KAMAUNJU (28) and Hans ARNOLD (28). Arnold (who is also the Secretary of the Windhoek Catholic Commission for Justice and Peace) and Kamaunju were acquitted on 15

March 1982 of assisting the women to leave Namibia illegally. At the time of the trial the women, together with a man, Sam KAMDU, were all serving six month prison terms for having illegally crossed the border into Botswana. Their sentences had been imposed by Gobabis Magistrates court on 21 January, a few days after their arrest in the border area (*FOCUS 40 p.9*).

When the three women were brought from prison to court to testify against Arnold and Kamaunju, they refuted their prepared affidavits, saying that they had been coerced by the security police with threats of extension of sentence and torture if they did not sign,

and alternatively, offers of money and their freedom in return for their co-operation. They were declared to be hostile witnesses and charged with perjury. On being brought before a Windhoek magistrate on 6 April on this charge, they repeated their accusations of coercion. Lea Hiskia revealed that at the time of their arrest near the Botswana border, she had been trying to get to Zambia to study medicine.

The case was provisionally postponed to the end of April, but no further reports appeared at this time. The women were due to complete their six month prison sentences in July (*WA 30.3.82, 7.4.82*).

PRISONER-OF-WAR STATUS

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was based on that of other armed forces involved in unconventional warfare, namely a Secretary of Operations, High Command, section leaders, political commissars, field commanders and so on down (*WA 13.5.82*).

The Supreme Court was later told that under Article 43 of Protocol 1 of the Geneva Conventions, the armed forces of a national liberation movement, to be accorded recognition as prisoners-of-war in the event of capture, had to operate under some structure of command and to be subject to a system of internal military discipline (*WO 22.5.82*).

The evidence given by Professor John Dugard, Professor of Law at the University of Witwatersrand, an advocate of the Supreme Court and former President of the South African Institute of Race Relations, dealt with the legal arguments surrounding the Geneva Conventions and Protocol 1. In summary, he argued that SWAPO's case for its combatants to be regarded as prisoners-of-war was even stronger than that of other recognised national liberation movements; firstly, because of the international status of Namibia and hence the international rather than domestic character of the conflict in the territory, and secondly, because of the categorisation of South Africa's occupation as illegal by the

international community. He maintained that Namibian courts, while not in a position to refuse to exercise jurisdiction over SWAPO captives, should have due regard for developments in international law. It was, indeed, in South Africa's own interests to take account of the widespread feeling within the international community in support of SWAPO's claim to be treated as members of a legitimate armed force (*WA 14.5.82; WO 22.5.82*).

Dealing in detail with the history of the Geneva Conventions, Dugard reminded the court that South Africa had acceded to the 1949 Conventions on 31 March 1952. Thus at the very least, the specific article of the 1949 Conventions stating that no person should be summarily dealt with without a proper judicial hearing, appeared to govern South Africa's treatment of SWAPO members.

Describing the development of the international movement for decolonisation and the events leading to the formulation of Protocol 1 dealing with struggles for self-determination against colonial domination, alien occupation and racist regimes, Dugard said there was no doubt that the new doctrine relating to national liberation movements had been intended by the international community to apply with particular force to SWAPO. He explained that under Protocol 1, national liberation move-

ments had to meet the requirements of Articles 43 and 44 of the Protocol in order to qualify for prisoner-of-war status. Article 43 provided that their armed forces had to operate under a command structure and observe military discipline, while under Article 44, combatants had to carry arms openly and wear some sort of uniform to distinguish them from the ordinary civilian population, if only during actual military engagements with the enemy (*WO 22.5.82*).

The court had earlier been told by Senior Counsel that the three defendants had worn SWAPO uniforms and insignia, although these were not recognised as those of an armed force by the South African government (*WA 13.5.82*).

Professor Dugard said that Protocol 1 had come into force in December 1978, when the first two states had ratified it, and that it had since been accepted by a total of 21 states including seven from Africa and five from Western Europe. Although South Africa had not ratified or acceded to the Protocol and was therefore not bound to confer prisoner-of-war status on SWAPO, it could not, in his view, stand aloof from the evolution of international humanitarian law reflected within it (*WO 22.5.82*).

ANGOLA: THREATS OF 'DEEPER RAIDS'

In a statement to the South African Parliament on 22 April, the Minister of Defence, Magnus Malan, warned that the South African government would have to consider carrying out military raids 'deeper into Angolan territory'. The threat, which tends to confirm the anxieties expressed earlier this year by the Angolan authorities at the substantial new build-up of South African military force in northern Namibia (*FOCUS 40, p.10*), was presented by Pretoria as a response to fresh incursions and attacks by SWAPO guerillas in Kaokoland, Ovambo and Kavango (*RDM 23.4.82*).

In communiques issued during May, the Angolan authorities reported a marked escalation in South African reconnaissance flights over Angolan territory - 115 flights taking place during the first fortnight of May alone - into the provinces of Mocamedes, Huila, Kunene, Moxico and Kuando Kubango.

Just a few days after the fourth anniversary of the Kassinga raid and massacre of 4 May 1978, Kassinga itself was again attacked by

South African aircraft which bombed the power station for the town's iron ore mines (*FT 18.5.82*).

The Angolan authorities pointed out earlier this year that the port of Mocamedes, the main maritime outlet for the export of iron ore from the Kassinga mines, seemed to have been a particular target for South African reconnaissance flights (*BBC 5.4.82 reporting briefing in Brussels by Lt. Col. Ngongo of the Angolan Ministry of Defence*).

The airport and railway station at Jamba, and the town of Cahama in Kunene province were among other targets of bombing raids during May. Cahama has been fiercely fought over in the past year and according to one Angolan newspaper, by mid-May 1982 nearly 3,000 bombs had been dropped on it. It is situated just north of the occupied zone of Kunene province. In the Mulondo district, the SA Air Force was reported to have used napalm, as they had previously done in August 1981 (*BBC 22.5.82*).

SECRETS ACT TRIAL

An appeal by a Johannesburg journalist, James Winston BEAUMONT (23), against a three year prison sentence imposed in Namibia under the South African Official Secrets Act, was upheld by the Windhoek Supreme Court of Appeal at the beginning of May.

Beaumont, a sub-editor with the Johannesburg *Star*, had just completed military duty with the Signals Corps Sector 50 at Gobabis Military Camp when he was arrested in 1981. Extracts of call signals and radio frequencies, taken from classified defence documents, were found in his luggage. He was sentenced in Windhoek on 24 August, the court having concluded that the material had been illegally extracted for his own personal use.

An earlier three year suspended sentence imposed for a similar offence in 1979 was also affected by the appeal. Beaumont was out on bail at the time, reporting twice weekly to the John Vorster Square Police Station in Johannesburg (*WA 5.5.82*).

south africa

NEW PROTESTS AGAINST APARTHEID EDUCATION

During the first half of 1982, a year after the ending of the 1980 school boycott, schools in South Africa were again in a state of tension and unrest in several areas.

Anger, both among students and in the black community generally, was focussed on issues concerning the examination system, the imposition of new regulations, poor conditions in schools and action by the government against teachers who had shown sympathy with previous protests. The anger was expressed in protest meetings and, in a number of schools, in boycotts or stoning and burning of school buildings.

In universities organised support for the campaign against apartheid education appears to have been growing in strength.

EXAMS

Pass rates were very low in both African and Coloured schools in the matriculation (end of school) examinations written at the end of 1981. Pass rates in Coloured schools generally, and in African schools in Soweto were 56 and 57 per cent respectively. These rates were considerably lower than in previous years, and much lower than those for whites: there was a 94 per cent pass rate in white schools in the Transvaal. Of black pupils writing the matriculation exams, less than 20 per cent reached the level required for university entrance (CT 7.1.82; S 12.1.82; FT 15.1.82).

In the Venda bantustan, where education is still controlled by the central government, it was reported that four per cent of candidates qualified for university entrance (V 17.1.82).

The low pass rate was attributed in part to the disruptions of the boycotts of 1980. But black educationalists, parents and community leaders combined in ascribing the causes to the inferior education system for black children. The compulsory rewriting of certain subjects owing to leaks of exam papers, which resulted from administrative problems, was also held to be partly responsible for the surprisingly poor results (CT 7/8.1.82; S 7/8.1.82; V 17.1.82).

The situation was made worse by the imposition of new regulations imposing limits on the admission of African children into schools. The regulations, gazetted in December 1980, prevent pupils over 20 being admitted to the final year (Std. 10), without permission of the Department of Education and Training. Pupils over 18 are similarly prevented from being admitted to Standard Eight. In January at the start of the school year, the new regulations were imposed for the first time, excluding from schools thousands of pupils who would otherwise have been admitted. This included many who had to rewrite exams because of the leak of papers (S 20/22.1.82; V 24.1.82; Star 25.1.82).

SHORTAGES

Shortages of school places also prevent many children receiving education. In areas of the KwaZulu bantustan near Pietermaritzburg it was reported that schools were so overcrowded that 900 children were turned away. 75 of them who enrolled at a school in Sobantu near Pietermaritzburg, outside the bantustan area, were expelled because they were not resident in Sobantu: however, in the face of a class boycott by 800 pupils protesting at their expulsion, they were given a 'reprieve' (S 1.2.82).

Overcrowding was particularly severe on the East Rand. In Tembisa township hundreds of children had had no lessons three weeks after the school term started because of shortages of teachers and classrooms (RDM 3.2.82).

ACTION AGAINST TEACHERS

Teachers in Coloured and Indian schools who had previously expressed support for pupils' protests, have been acted against by the education departments in various ways, including dismissal of temporary teachers and transfers of permanent teachers.

Fifteen Johannesburg and Cape teachers on temporary appointments were dismissed from their posts at the beginning of the 1982 school year, because they had stayed away on 16 June 1981, the commemoration of the uprising of 1976.

Several other teachers who had stayed away or in other ways expressed support for pupils' protests have been transferred or demoted. At least six teachers in Coloured schools in the Cape and Johannesburg were transferred to remote places. Vacancies in Indian schools in the areas which showed the greatest militancy during the 1980 boycotts, such as Lenasia, are being filled with people from other regions. Local teachers are having to accept posts in places remote from their homes (Star 20.1.82; Cit 23.1.82; RDM 9.3.82).

PROTESTS

The situation in schools has given rise to a wide range of protest action.

Prompted by the bad exam results, the administrative confusion and the imposition of the age-limit regulations, educationalists, community leaders and black organisations called a number of meetings during January, February and March. Apart from taking up the specific issues, the meetings reaffirmed the need to eradicate the apartheid education system. In Soweto the principal organisations involved included the Teachers Action Committee, the Congress of South African Students (COSAS), the Azanian Students Organisation (AZASO), the Azanian People's Organisation (AZAPO) (V 17.1.82; S 19/20/29.1.82; S 1/19.2.82).

A rally in Port Elizabeth organised by COSAS was attended by over 2,000 people, including student, community, civic and trade union leaders (SASPU National, March 1982).

In the schools themselves, the most forceful action was taken in Natal. Anger over the com-

pulsory rewriting was expressed at several schools in Umlazi, near Durban, through demonstrations and class boycotts (CT 21.1.82; DN 26/29.1.82; CT 30.1.82).

Elsewhere in the country there were incidents in schools which, although not overtly connected with protests, were suspected by police to be cases of arson. In the first two weeks of January, eight schools in the Port Elizabeth area were damaged by fire, while five schools in the Western Cape were damaged by fire in March and April and one in Tembisa in March (DD 11.1.82; CT 5.1.82, 5.3.82; CH 3.4.82; S 30.4.82; RDM 28.4.82).

UNIVERSITIES

There were two major developments amongst black university students during the first half of 1982, both indicating growing support for action and organisation against the apartheid education authorities.

In March the Azanian Students Organisation (AZASO), at a meeting attended by representatives from several universities, decided to draw up an Education Charter setting out the demands and goals of students. The charter is to be drawn up at a meeting later in the year after consultation with trade unions, community organisations and educationalists. At the meeting the President of AZASO said that apartheid education 'does not simply mean inequality in facilities. It also means an attempt to control the values of students so that they accept racism as a way of life.' (SASPU National, March 1982).

Later in the year, in May, a boycott by Fort Hare students received support from universities in a number of areas. The boycott was staged after the arrest of 1,500 students who were protesting against the action of Ciskei police in detaining 22 students and shooting and injuring two others. The police action was taken against students protesting against a visit to the university of Chief Sebe, the leader of the Ciskei bantustan. Sebe was trying to attend the university graduation ceremony (S 3/4/6/7/11.5.82).

NEW CONSTITUTION FOR IDAF

At the Annual Conference of the International Defence and Aid Fund for Southern Africa held on 14-16 May 1982, at which all ten affiliated National Committees were represented, a new constitution was adopted in the form of a Trust Deed. Canon L John Collins was elected President and Chairman of the Council of Trustees. Three other Trustees were appointed. Eventually, there will be eight Trustees.

A Consultative Committee was elected by the delegates to the Conference. The Consultative Committee will liaise with the Council of Trustees.

Canon Collins said at the conclusion of the Conference that the Fund had entered a new era and would continue and intensify its humanitarian work until the whole of Southern Africa was freed. This was greeted with acclaim by the delegates to the Conference.

POLITICAL TRIALS

Since the last issue of *FOCUS* three more major security trials have started, all involving alleged ANC members or activity promoting the aims of the ANC. In two of these trials the accused have been charged with high treason and terrorism. Both these trials promise to be lengthy as one involves charges

with 57 counts and in the other 135 witnesses are to be called by the State.

In the same period five people have received prison sentences after being convicted under the major security laws. All were convicted for activity connected with the ANC.

Apart from the ongoing trial of

Oscar Mpetha and others, all the other continuing trials involve people accused of engaging in ANC activities.

As a part of the continuing actions of the State against trade unionists and workers engaged in strikes, three trade unionists of the South African Allied Workers Union face charges under the Terrorism Act.

CONTINUING TRIALS

SITHOLE AND OTHERS

The trial of three alleged ANC members, Fana George SITHOLE, Jabulani Wilfred NGCOBO and Titi Aloia MTHENJANE (MTENYANE), was adjourned in the Durban Regional Court on 22 April to allow defence lawyers to study security police tape recordings. The state wants to use as evidence tapes of conversations between the accused and other detainees. The magistrate has yet to rule whether the recordings are admissible as evidence.

All three have pleaded not guilty to charges under the Terrorism Act that they obtained information on security arrangements at an oil terminal in Durban. Sithole has also pleaded not guilty of contravening the Internal Security Act by breaking his banning order (*Cit/RDM 23.4.82*).

An urban representative of the KwaZulu 'government', Joshua Theminkosi ZULU, was sentenced to 30 days imprisonment in the Durban Regional Court for refusing to take the oath and give evidence in the trial. He was granted bail of R50 pending an appeal.

Zulu refused to give evidence on the grounds that his position in the KwaZulu 'government' gave him diplomatic immunity (*RDM 19.5.82*).

HOGAN AND OTHERS

Three leaders of the South African Allied Workers' Union, Thozamile GQWETA (President), Sam KIKINE (General Secretary) and Sisa NJIKELANA (National Organiser) were charged under the Terrorism Act when they appeared in the Johannesburg Magistrates Court on 6 May. Their names were added to the charge sheet of Barbara HOGAN (30), Alan FINE (28) and Cedric MAYSON (54) who were charged under the Terrorism Act in March. The six will now be tried together.

All six appeared briefly in the Johannesburg Regional Court on 28 May. They were not asked to plead and were remanded in custody until 14 June (*RDM 7.5.82, 29.5.82; see FOCUS 40, p.4*).

MAQUBELA AND OTHERS

A major security trial involving three alleged ANC members, Patrick Ntobeko MAQUBELA (32), Boniswa Richard MAQHUTYANA (29), and Seth Mtumulelo GABA began in the Pietermaritzburg Supreme Court on 1 June.

When the three appeared in the Durban

Magistrates Court on 28 April the indictment contained a total of 57 counts with charges of high treason and contraventions of the Terrorism Act, the Arms and Ammunition Act, the Explosives Act, and the General Law Amendment Act.

It is alleged that the three were members of the ANC, that they were responsible for eight explosions in the Durban area, that they recruited people to join the ANC, that they possessed large quantities of arms and explosives and conspired with other members of the ANC outside the country (*CT/RDM 29.4.82*).

MOGOERANE AND OTHERS

Two alleged members of the ANC, Simon MOGOERANE (23) and Jerry Semano MOSO-LOLI (25), appeared in the Pretoria Magistrates Court on 7 May and pleaded not guilty to charges of high treason and 20 alternate charges, including three murders, 10 counts of attempted murder, five counts under the Terrorism Act, and robbery with aggravating circumstances.

The two accused were brought into court wearing leg-irons but after protestations by their lawyer the manacles were removed. They were sent for trial in the Pretoria Supreme Court on 1 June, with 135 witnesses to be called by the state.

The two are alleged, amongst other things, to have undergone military training outside South Africa; to have attacked the Moroka Police Station in May 1979, killing two policemen and injuring others; to have attacked the Orlando Police Station in November 1979, killing three policemen and injuring others; to have attacked the Wonderboompoort Police Station in December 1981, killing two policemen and injuring others; to have cut the Soweto railway line with explosives at New Canada on 25 May last year; and were found to be in possession of substantial quantities of arms and explosives (*S 10.5.82*).

When the two appeared in the Pretoria Supreme Court on 1 June, they were accompanied by a third accused, Marcus Thavo MOTOUNG (27). They were remanded in custody until 2 August (*GN 2.6.82*).

BILA AND TWO OTHERS

Three men from Mamelodi, Pretoria, have been charged with promoting the aims of the ANC by possessing and displaying illegal posters and signs in Mamelodi.

under the Arms and Ammunition Act and also for aiding those responsible for the attack (*Star 5.5.82*).

Rev N PHASWANE and Rev PM PHOSIWA were also found not guilty of murder and were acquitted of the two charges under the Terrorism Act to which they had pleaded not guilty.

It is also alleged that two of the accused, Strike Ishmael BILA (28) and Bernard MOK-GONYONA (19), acted as ANC messengers by visiting people in Botswana connected with the ANC. They also distributed publications explaining the aims of the ANC and recruited members for the ANC. They were refused bail on application but a third person who faces the same charges, John QOTSO (35), was released on R100 bail. All have pleaded not guilty (*S 24.5.82*).

DUNA AND OTHERS

The Terrorism Act trial of Mabone William DUNA (31), Dumisani Bizette MANINJWA (31), Bayi KEYE (52) and Luyanda MAYE-KISO (23) continues in the Ciskei Supreme Court in Zwelitsha.

The four have pleaded not guilty to charges of participating in terrorist activities, of being members of the ANC and of possessing banned literature. They are alleged to have become members of the ANC during 1980 and 1981 and to have actively engaged in the operational activities of the organisation. They are also alleged to have recruited people to undergo military training.

On 23 March the Ciskei Attorney-General applied for the hearing of the trial to be held *in camera* and for the press to be prevented from disclosing the names of state witnesses. The case was postponed to 10 May to await a ruling on the application.

When the trial recommenced on 11 May the Chief Justice granted an application for evidence to be heard *in camera*. The press was allowed to continue reporting on the proceedings but were not allowed to reveal the names of the witnesses (*DD 18/26.3.82; S 12.5.82*).

OSCAR MPETHA AND 18 OTHERS

The trial of the veteran civic and trade union leader, Oscar MPETHA (72), and 18 others continues in the Cape Town Supreme Court. Mpetha's health has deteriorated seriously and he has been excused from further court appearances. The state, however, refuses to grant him bail.

The trial since it recommenced in February has been devoted to a trial within a trial as the defence has contested the admissibility of statements made by five of the accused while in detention (*Obs 4.4.82; see past issues of FOCUS*).

Rev Phaswane was released but Rev. Phosiwa was found guilty under Section 11 of the Internal Security Act and sentenced to two years imprisonment, conditionally suspended for five years. He was sentenced for allowing two guerrillas to stay overnight at a mission station (*RDM 2.6.82*).

CONVICTIONS

RAVELE AND OTHERS

John RAVELE, one of the three accused of assisting in the ANC attack on the Sibasa Police Station in the Venda bantustan, was sentenced to five years imprisonment in the Venda Supreme Court on 4 May. He was found not guilty of murder and attempted murder but was found guilty on two charges

HANNCHEN KOORHOF

Hannchen KOORNHOF (27), the niece of Piet Koornhof, Minister of Co-operation and Development, was fined R500 and sentenced to one month's imprisonment on 23 April in the Johannesburg Regional Court.

She was found guilty in terms of the Internal Security Act of passing on a code which could be used to communicate with ANC members in Botswana. She was taught the code by her estranged husband who lives in

Botswana and is an alleged ANC member. She was fined for being in possession of banned literature.

Koornhof was released on 23 May after serving the one month prison sentence but had been eight months in custody as she was held for seven months as a Terrorism Act detainee (*RDM 24.4.82, 24.5.82*).

ADAM AND THEMBA

Robert Martin ADAM (26) and Mandla THEM-

BA (25) were found guilty on 1 June of conspiring to blow up the Brixton television tower in Johannesburg and to destroy television transmitters with limpet mines.

They were sentenced in the Johannesburg Supreme Court to a total of 15 years imprisonment, Adam receiving 10 years and Themba five years. They were convicted under the Terrorism Act and the Internal Security Act (*RDM 2.6.82; see FOCUS 40, p.14*).

APPEALS**MONTY MZINYATHI**

The appeal by Archibald Monty MZINYATHI (31) against his conviction under the Terrorism Act and seven year jail sentence was upheld by the Pretoria Supreme Court on 28 April.

Mzinyathi was arrested with his stepfather, Bingo Bentley, in April 1979 and convicted in October 1980 of undergoing military training in the Soviet Union in 1977. State evidence against the accused was his own statement and sketches which he made after being tortured by security police.

At the trial, the court refused permission for evidence to be taken on commission in Lesotho to prove that Mzinyathi had been there at the time he was alleged to have been in the Soviet Union.

The Supreme Court found that there had been a miscarriage of justice and acquitted Mzinyathi (*RDM 29.4.82; S. Exp 2.5.82; see FOCUS issues 23-30 and 31 p.8*).

MAZWAI AND FOUR OTHERS

The application for bail pending the outcome

of an appeal by Thami MAZWAI, the news editor of the *Sowetan*, Thabo NDABENI, national organiser of AZAPO, Carter SELEKA, President of Azanian Youth Unity (AZANYU), and two AZANYU members, Stephen Siphosomacele and Solomzi SELANE, was rejected for the third time on 23 April in the Rand Supreme Court.

The five were sentenced to 18 months jail for refusing to testify in the trial of Khotso Seatlholo and Masabata Loate (*S 26.4.82; see FOCUS 40 p.5*).

OTHER TRIALS**WORKERS AND TRADE UNIONISTS**

- The lengthy trial of 52 Port Elizabeth Post Office workers ended at the beginning of April with 16 receiving jail sentences or fines and 36 either receiving suspended sentences or being acquitted. Eight received a year's jail term, one nine months, one was fined R100, five R250 and one R500. Bail pending appeal was allowed to five of the workers sentenced to a year's imprisonment.

The trial arose from a strike by 180 workers at two Port Elizabeth Post office yards in October last year. 76 workers were arrested and charged under the section of the Riotous Assemblies Act which deals with intimidation. Twenty four had the charges withdrawn (*Star 5.4.82; see FOCUS 40 p.5*).

- Two members of the South African Allied Workers Union, Robert GQWETA and Melvin MAMPUNYE, were found not guilty in the East London Magistrates Court on a charge of collecting contributions without authorization. The state failed to prove that the accused had intended to commit an offence or that they were aware that they had committed an offence (*DD 19.2.82*).

- Two former employees of the Flekser metal firm in Wadeville appeared in the Katshe circuit court on 8 April as the result of a strike at the company.

Philemon NDLOVU and David MPHUTI were charged under the Riotous Assemblies Act with intimidating workers. About 240 workers were dismissed after the strike (*Star 8.4.82*).

- At the end of March more than 500 workers downed tools at the South African Paper and Pulp Industries mill at Mandini, Durban. They were demanding the release of two colleagues detained by the police in connection with alleged assaults.

The strike stemmed from a dispute over canteen food. The two who were arrested appeared in the Ingoli Magistrates Court on 29 March (*CT 30.3.82*).

YOUTH AND STUDENTS

- About 1,500 Fort Hare University students were arrested by Ciskei police on 3 May for refusing to disperse during a demonstration on the campus. The demonstration was a sequel to an attack on the motorcade of President Lennox Sebe of Ciskei and members of his Cabinet on 1 May.

The students paid R50 admission of guilt fines, but 22 who were detained on 1 May were held for two weeks before they appeared in the Alice Magistrates Court. They were charged with public violence but were not asked to plead. Bail of R400 was granted to each student (*CT/DN 4.5.82; CT 5.5.82; S 18.5.82*).

- Five youths appeared in the Retreat Magistrates Court in early April in connection with a fire at the Parkwood Primary School.

The five were charged with arson but were not asked to plead. The case was postponed to a later date (*CH 3.4.82*).

- Three students of the University of the North at Turfloop were found guilty of public violence in early April by the Pietersburg Regional Court. They were sentenced to 18 months jail each. Twelve months of the sentence were suspended for three years.

The case arose out of a students anti-Republic Day protest march at Turfloop on 1 June last year (*V 4.4.82*).

MISCELLANEOUS TRIALS

- Three men were sentenced on 1 April to three years jail, two years suspended for five years for harbouring one of the three ANC prisoners who escaped from Pretoria Prison in December 1979.

- Michael JENKIN (35), brother of one of the escapees, Shirish NANABHAI (44) and Prema NAIDOO (33) pleaded guilty in the Johannesburg Magistrates Court to the charge under the Prisons Act (*RDM 2.4.82*).

- An attorney, Graham Derrick DYSON (30) appeared in the Johannesburg Magistrates Court on 10 and 25 May charged under the Prisons Act.

The state alleges that he tried to smuggle messages from a client out of the Fort Prison in December last year. A state witness admitted that the 'messages' were only poetry but could have contained a code.

Judgement was due to be given on 10 June. Dyson is out on his own recognisances (*RDM 11.5.82*).

- Twenty four people, including the Transvaal leader of the Coloured Labour Party, Jac RABIE, appeared in the Johannesburg Regional Court on 15 March on charges of public violence.

It is alleged that the accused stoned and burnt shops and vehicles at Reiger Park in May last year.

The 24 were not asked to plead and were due to appear in court again on 28 June (*RDM 16.3.82*).

- Maxwell MUFOKA was granted R1,000 bail after appearing in the Bloemfontein District Court on 24 March. He faces charges of having brought into South Africa a banned book and ANC sweaters. The trial was postponed for further investigation (*CH 27.3.82*).

- The state withdrew charges on 23 March against 50 women and a man who appeared in the Benoni Regional Court on charges under the Riotous Assemblies Act.

They were charged with holding an illegal gathering in Wattville, Benoni, in October last year. They were marching to the Wattville Community Council Chambers to hand over a petition protesting against rent rises (*S 24.3.82; see FOCUS 39 p.6*).

DEATH SENTENCES COMMUTED

The death sentences imposed on three ANC guerrillas, Ncimbithi Johnson LUBISI (28), Tsepo Petrus MASHIGO (20) and Naphtali MANANA (24), in November 1980, have been commuted.

The three appealed against their sentences but the appeal failed in the Bloemfontein Appeal Court on 7 April. As a result an inter-

national campaign was mounted to save the lives of the men. On 9 April the United Nations Security Council adopted a resolution (No. 503) demanding that the South African Government commute the death sentences. It further urged all states and organisations to act urgently in conformity with the UN Charter to save the lives of the three men.

Inside South Africa a wide range of organisations called on the government to grant clemency and for the immediate and unconditional release of the men.

The three men will now serve terms of life imprisonment instead (*ST 11.4.82; RDM 15.4.82; Indian Express 21.4.82; Star 26.4.82; RDM 21.5.82; GN 4.6.82*).

DETENTIONS

New measures announced during April sought to further restrict information about detentions. The security police introduced new regulations governing the release of information about detainees. At the same time the government published a Protection of Information Bill which would impose further censorship on the press. The authorities criticised the part played by the media in publicising campaigns of the Detainees Parents Support Committees. There were signs that censorship laws would be more strictly applied. There continued to be very little reporting of security police action in the bantustans.

NEW RESTRICTIONS ON REPORTING

In April it was announced that security police would refuse to confirm detentions unless those making the enquiries provided the full name, address, date and place of birth of the suspected detainee. These details would generally be unknown to newspaper reporters and even sometimes to relatives. The new regulations were supposedly introduced to avoid cases of mistaken identity. Their effect was to make confirmation of detentions much more difficult (*Star* 22.4.82; *CT* 23.4.82).

Publication of the 'Protection of Information Bill' at Easter warned of further restrictions. It would prohibit the publication of anything likely to endanger state security, as recommended by the Rabie Commission (*CT* 8.4.82). Similar plans were dropped from the 1980 Police Amendment Bill after a public outcry (*see FOCUS* 29, p.3).

In April security police in Durban investigated alleged contraventions of the Police Act by two newspapers and a local radio station which broadcasts from the Transkei bantustan. The editors of the *Mercury* and the *Daily News* were questioned about their reports of the detention of an Indian man under the Terrorism Act (*CT* 16.4.82).

INTERROGATION OF DETAINEES

Protests continued to be made about the conditions in which detainees were kept. Further publicity was given to the use of solitary confinement as a form of torture.

The Detainees Parents Support Committees (DPSC) and others focussed increasingly on interrogation techniques. At a meeting with government ministers on 27 April attended by DPSC members from all over South Africa, they presented a memo detailing torture of detainees. They asked if there were any official limits to interrogation and whether detainees could be taken to open veld or farms for interrogation. In May the lawyer Sydney Kentridge suggested to a public meeting that rules for interrogation should be drawn up (*Star* 28.4.82; *S* 13.5.82).

The authorities objected to the DPSC releasing their memo to the press in advance of the meeting. In May it was suggested that the DPSC could be prosecuted under the Police Act (*CT* 14.5.82).

Lt. Gen. Johan Coetzee, Head of the Security Police, told students at Rand Afrikaans University that the purpose of detention was not to bring people to trial but to obtain information (*S Exp* 9.5.82).

The DPSC criticised a statement by Donald Sole, South Africa's ambassador to the United States, who alleged that three of the detainees who were admitted for psychiatric care in

early 1982 — Thozamile GQWETA, Sam KIKINE and Esther LEVITAN — were faking illness. The doctor who treated Kikine also contradicted Sole's information which had been conveyed to him by the security police (*DN* 13.5.82; *RDM* 15.5.82, 20.5.82).

TORTURE CLAIMS

In April the Supreme Court allowed Mavis MAGUBANE to sue the police for an alleged assault which took place in September 1976 (*see FOCUS* 16, p.15). The Police Act stipulates that legal proceedings must be filed within six months of the assault, but as this period expired whilst Magubane was still in detention the Supreme Court ruled that she could proceed outside the normal time limit (*RDM* 3.4.82).

In March Frank TONGA issued a summons for R15,000 against the Minister of Police, alleging torture during his detention in East London in September 1981 (*FOCUS* 38, p.3; *DD* 9.3.82).

Alex MBATHA who was released in April alleged he was punched, kicked, given electric shocks and almost suffocated with a wet hood during his detention. He said he would sue the police for assault. His wife Khosi suffered a heart attack and stroke during her detention which left her right arm paralysed. On her release she was immediately admitted to hospital (*Obs* 18.4.82; *S* 16.4.82).

Since the introduction of the Terrorism Act in 1967 two white prison officers have been convicted of offences against detainees. Neither was dismissed although both were transferred and one later resigned. The Minister of Law and Order stated in March that his department does not keep records of the number of policemen convicted on charges laid by detainees and their families (*RDM* 20.3.82).

SOWETO

A number of detentions followed the funeral in Soweto of Elias Tsimo, a former ANC member and Robben Island prisoner. The funeral service was interrupted when Samuel Ntombela confessed that he had been recruited by the security police to record the meeting. He handed over a radio transmitter which he had worn strapped to his body. Ntombela was detained for two weeks.

In dawn raids on 20 April a number of Soweto residents were detained for questioning. Most were members of the Federation of South African Women: Albertina SISULU, Amanda KWADI, Mareshane MOKOENA, Gretta NCAPAYI and Jane KHALADI. Also detained and released with them were Joyce MALULEKA, Itumeleng PHALUWA and an unidentified Diepkloof woman. Two of those detained, David MATSOSE and Lucia NGOBENI were still in detention in May (*S* 19.4.82, 21.4.82, 23.4.82, 7.5.82).

KIMBERLEY

The work of the Anglican diocese of Kuruman and Kimberley was affected by government action which included the detention of Fr. Ivor SHAPIRO on 5 May. Bishop Graham CHADWICK was refused permanent residence in South Africa in February and in May was warned not to leave the area of the bantustan of Bophuthatswana without government permission. He linked this to the diocese's opposition to the detention of two Anglican priests in January 1981 in connection with the 1980 school boycott in Galeshewe when a number of pupils were also detained. Parents of 23 detainees still being held in March 1982 attended Bishop Chadwick's

farewell service (*RDM* 31.3.82; *Star* 6.5.82, 7.5.82; also *FOCUS* 33).

ARMED STRUGGLE

Police detained four alleged guerrillas and claimed to have recovered a large quantity of weapons in the Northern Transvaal on 28 April. The following week another detention was reported. Police alleged that the weapons found had been 'scientifically connected' with armed attacks on Mabopane Police Station and the Rosslyn Industrial Complex in November 1981 (*RDM* 6.5.82, 8.5.82; *ST* (Jhb) 2.5.82).

AGGETT INQUEST

The inquest into the death in detention of Neil AGGETT was delayed by legal arguments about the admissibility of a statement made by Aggett only 14 hours before his death. In it he alleged that he was assaulted with kicks and punches on 4 January and given electric shock treatment on 29 January. Counsel for the Aggett family reported that a request by the Inspector of Detainees to see Dr Aggett on 4 January had been refused. On 4 June the Pretoria Supreme Court ruled that the statement was admissible and dismissed an appeal by the Minister of Law and Order against the magistrate's decision.

Morris SMITHERS, a key witness to Dr Aggett's treatment in detention was banned on 13 April but will be allowed to give evidence. He accompanied counsel for Aggett's family and others on an informal tour of police cells and interrogation rooms at John Vorster Square on 14 April. The inquest resumed on 7 June (*Star* 17.4.82; *S Exp* 18.4.82; *T* 5.6.82).

FORT HARE

The graduation ceremony at the University of Fort Hare on 1 May was disrupted by protesters objecting to the arrival of Lennox Sebe, head of the Ciskei bantustan authority. Twenty two students were detained and two shot as armed police dispersed the crowd. The mother of a 15 year old girl shot in the disturbances accused the Ciskei authorities of preventing her visiting her daughter. The detainees were released and charged under the Riotous Assemblies Act on 18 May (*see POLITICAL TRIALS*, *S* 3.5.82; 17.5.82).

NUMBER OF DETAINEES

On 2 April 1982 the Minister of Law and Order gave these figures for the number of people in detention:

General Law Amendment Act	Terrorism Act
7	85
60 of these had been held for over 100 days	
15 had been held for over 150 days	
4 had been held for over 180 days	
(Debates 2.4.82)	

According to figures released in May by the South African Institute of Race Relations there were 190 people in detention in South Africa (including the bantustans) (*Star* 22.5.82).

RELEASES

• A number of trade unionists and labour movement workers detained in November 1981 were released in April and May. Merle FAVIS, managing editor of the South African Labour Bulletin was released on 21 May. Rita NDZANGA, Organising secretary of the General

and Allied Workers Union (GAWU) was released on 5 May with Emma MASHININI, General Secretary of the Commercial, Catering and Allied Workers Union. Samson NDOU, president of GAWU was released on 7 May (RDM 22.4.82; S 7.5.82; CT 12.5.82);

• On 21 April security police released three detainees who were active in the 1981 anti-SAIC campaign — Feroze CACHALIA, Yunus MOHAMED and Ismail MOMONIAT (see FOCUS 39). Together with Merle Favis (see above) they were warned that they might be called as witnesses in the trial of Barbara HOGAN, Allan FINE and Cedric MAYSON

(RDM 22.4.82). Pravin GORDHAN, like Mahomed an executive member of the Natal Indian Congress, was released and subsequently banned in early May (S 19.5.82).

• Two Cape Town men, Arminen ABRAHAMS and Ebrahim PATEL, detained on 23 March, were released on 7 April in Johannesburg where they had been removed by police. It took them three days to return home (CH 17.4.82). Police also reported that Fatima ISAACS was released on 18 February after three days' detention (CT 19.3.82).

• Alex MBATHA and his wife Khosi MBATHA were released on 13 April after detention

since October 1981 (FOCUS 38, p.3; S 16.4.82). His sister Thandi who was detained in November was released on 14 April (S 20.4.82).

• A number of Cape Town men held under the Terrorism Act (see FOCUS 39, p.8; 40 pp. 2, 3) have been released. Julian SAULS was released on 24 May with Freddy SCHRADER (see current list). On 26 May police released Roger GALANT, Lionel SCHOLTZ, Benjamin JULIUS, Alfred APPOLLIS and Johannes MANNEL. Also released was Albert TASHANGANA of Kimberley whose original detention was not reported (RDM 28.5.82).

NEW DETAINEES Additional to previous FOCUS lists

Approx. date	Place	Name (age)	Details (where known)
January '82	Natal	Elderly couple	Parents of refugee son who fled SA
March '82	Cape Town	Lulamile LAMANI	Member, Wallabies Rugby Club, TA
March '82	Cape Town	Zamuxolo NOJOKO	Member, Wallabies Rugby Club. Former detainee. TA
5.3.82	Ciskei	William QWATI	Former ANC prisoner and banned person. R252
13.3.82	Johannesburg	Magwaza MAPHALALA	Nat. Org., National Federation of Workers. Rel. 15.3.82
13.3.82	Johannesburg	3 unnamed trade unionists	Det. with M. Maphalala. Rel. 15.3.82
April '82	Cape Town	Freddy SCHRADER	TA. Rel. 24.5.82
17.4.82	Soweto	Samuel NTOMBELA (19)	Funeral of Elias Tsimo. GLA. Rel. 6.5.82
19.4.82	Soweto	Lucia NGOBENI (29)	Funeral of Elias Tsimo. GLA
20.4.82	Soweto	David MATSOSE (22)	Member, Soweto Civic Association. Funeral of Elias Tsimo. GLA
28.4.82	Ciskei	Vuyani QWATI	Son of William Qwati. R252
28.4.82	Ciskei	3 unnamed men	Det. with V & W Aqati. R252
28.4.82	Transvaal	4 alleged guerillas	Allegedly det. with heavy weaponry. TA
1.5.82	Ciskei	22 Fort Hare students	Anti-Sebe demo. R252. Rel. and charged 18.5.82
5.5.82	Ciskei	S NTOMBELA	Wits student supporting Ft. Hare detainees
5.5.82	Ciskei	S MAJOLA	Wits student supporting Ft. Hare detainees
5.5.82	Ciskei	T SERETLO	Wits student supporting Ft. Hare detainees
5.5.82	Ciskei	M BOLOKO	Wits student supporting Ft. Hare detainees
5.5.82	East London	Thozamile QWETA	Pres. SAAWU. TA. Charged 6.5.82
5.5.82	Kimberley	Fr. Ivor SHAPIRO	Anglican minister. Editor "Seek"
5.5.82	Durban	Kwenzakhe MLABA (32)	Legal Clerk. Acquitted TA July 1979
5.5.82	Transvaal	Alleged guerilla	Allegedly connected with those detained 28.4.82
23.5.82		Sipho NGCOBO	Nat. Gen. Sec. AZANYU. GLA
23.5.82		Mfana MTSHALI	Br. sec. Kagiso, AZANYU. GLA
23.5.82		Sipho MICHIGAN	Exec. AZANYU. GLA
23.5.82		Bafedile S RAMPETE	Treasurer, AZANYU. GLA
23.5.82		Velile C LUVUNO	Exec. AZANYU. GLA
23.5.82		Richard —	Org. AZANYU. GLA
30.5.82	Ciskei	Mzwandile MSOKI (and 2 others)	Worker, Border Council of Churches. Det. at funeral. R252
1.6.82		Nhlanganiso SIBANDA	Acting pres. AZANYU. GLA
2.6.82	Ciskei	Alfred METELE	Worker, Border Council of Churches. Linked with Fort Hare students
Rep 4.6.82		Mampe NTSHINGWA	Member, AZANYU
8.6.82		3 unnamed men	Bomb attacks in Natal
June '82	Soweto	Philip DLAMINI	Leader SABMAWU
June '82	Mdantsane	8 suspected guerillas	R252

ABBREVIATIONS

Organisations

AZANYU Azanian National Youth Unity
SAAWU South African Allied Workers Union
SABMAWU S.A. Black Municipality and Allied Workers Union

Laws

GLA
R252
TA

Section 22 of the General Law Amendment Act
Ciskei Emergency Proclamation R252
Section 6 of the Terrorism Act

PRISONS

MANDELA AND OTHERS MOVED FROM ROBBER ISLAND

ANC leaders Nelson MANDELA (63), Walter SISULU (70), Andrew MLANGENI (56) and Raymond MHLABA (62) who are serving life sentences were secretly transferred from Robben Island, where they had been since 1964, to Pollsmoor Prison near Retreat, Cape Town, at the beginning of April.

At first it was said that the four had been transferred for 'administrative reasons' but later it was said that the move was permanent. It was further stated that the moving had nothing to do with the planned closing of the

Robben Island prison (CT 7/8.4.82).

There has been speculation that Mandela and the others were moved in order to lessen their influence among the other prisoners. On Robben Island they had been organising a large-scale educational scheme. Letters had been written from the island to raise funds for the prisoners' education (Obs 11.4.82).

POSSIBLE REMISSION FOR POLITICAL PRISONERS CONFIRMED

In the last issue of FOCUS it was announced that an Advisory Release Board was to be established to advise on the release of prisoners. The powers to be given the new board

do not exclude it from recommending remission for prisoners sentenced under the principal security laws.

Speaking during the Prisons Vote in Parliament in mid-May, the Minister of Justice, H J Coetsee, confirmed that such prisoners might in future qualify for remission and parole (Star 15.5.82).

Although remission and parole may now become a possibility for these prisoners, the Minister of Law and Order would be able to overrule any recommendations for early release if the Internal Security Bill now before Parliament becomes law.

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BANS AND RESTRICTIONS

NINE NEW BANS

Four officials of the Motor Assembly and Component Workers' Union (Macwusa) were served with two-year banning orders in March which confine them to Port Elizabeth and prevent them entering office and factory premises. All had been held nine months in detention following industrial unrest in Port Elizabeth last June, and were released without charge in February (see *FOCUS 40*, p.2, *Star 1.4.82*).

Dumile MAKANDA, Chairman of Macwusa, was banned on 31 March. Zandile MJUZA, Macwusa official, Sipho PITYANA and Maxwell MADLINGOZI, both organisers of Macwusa and Gwusa (General Workers' Union), were banned two days earlier. The ban on Sipho Pityana presents a further problem, since his banned brother, Lizo PITYANA, with whom he lives, may not communicate with other banned persons. The Pityanas' legal representative is to apply for relaxation of this condition (*CT 1.4.82*).

Two post-graduate students at the University of Witwatersrand, Keith COLEMAN and Clive VAN HEERDEN, were served with two-year banning orders on 2 April shortly after their release from detention. The two were detained last October during a security police swoop on the offices of the student magazine, SASPU National, on which they worked as co-editors. In the same week as their bans were served, SASPU National was also banned (see *FOCUS 40* p.2; *CT 8.4.82*).

Two former detainees, Nicholas HAYSOM (29) and Morris SMITHERS (30), who were released at the same time as Coleman and Van Heerden, have also been banned (*FOCUS 40* p.2, 39 p.8). Nicholas Haysom, a lawyer and research officer at the Centre for Applied Legal Studies at the University of Witwatersrand, was banned for two years in April. Haysom is a former President of NUSAS and a co-ordinator of the Detainees Parents Support Committee. He was detained in November when a number of trade unionists, labour experts and students were arrested. His ban restricts him to Johannesburg and prevents him practising as a lawyer or completing his masters degree in law, as he may not attend any educational

institution or court (*RDM 6.4.82*).

Morris Smithers, a rural development worker at the Environmental Development Agency and a member of the anti-Group Areas organisation, Actstop, was served with a two-year banning order outside the Johannesburg Regional Court where he was attending the inquest into the death in detention of Dr Neil Aggett. However, the Minister of Justice announced that he would grant the necessary exemption to allow Smithers to give evidence, should he be called as a witness. Smithers is considered by the Aggett family's counsel to have vital information about Dr Aggett's detention (*RDM 14.4.82; Star 17.4.82*).

Pravin GORDHAN, an executive member of the Natal Indian Congress, was banned for three years in May on his release from detention. Along with other prominent members of the Indian community he was detained last November following the successful anti-SAIC campaign (see *FOCUS 39* p.7, 38 p.12). During his detention he was admitted to the psychiatric ward of a Durban hospital (*RDM 11.5.82; see FOCUS 40* p.3).

RENEWALS

Dr Mamphela RAMPHELE, former superintendent of the Zanempilo Clinic, the banned Black Community Programme's health centre near King William's Town, had her ban renewed for a further two years on its expiry in May. Detained in August 1976, she was banned on release the following April and removed to the remote township of Lenyenye in the northern Transvaal where she set up a medical practice. In 1978 her banning order was amended to further restrict her, and in particular to prevent her visiting two outstations of her practice which were subsequently forced to close. (*FOCUS 11* p.4, 20 p.9, 28 p.7; *V 24.1.82; GN 3.6.82*).

Father Smangaliso MKHATSHWA, secretary general of the Southern African Catholic Bishops' Conference, was banned for a further three years when his previous five-year order expired on 30 April. The terms of the new order are unchanged and he remains restricted to the Pretoria magisterial district. He may not leave his parish between 6pm and 6am, or receive visitors at his home (*CT 1.5.82*).

Moorogiah Danabathy NAIDOO, a former Durban attorney now living in exile in Britain, had his ban renewed for a further two years in

May. He was first banned for five years in 1972 on his release from Robben Island after a five-year sentence for political activities. His ban was renewed on expiry in 1977 (*RDM 11.5.82; see FOCUS 11* p.4).

SEVEN BANS LIFTED

The following seven people had their bans lifted in May. They include two journalists and three members of the banned Black People's Convention (BPC).

- Don MATTERA, a poet and sub-editor of the 'Star' newspaper, who had been under banning orders since November 1973, but permitted to continue his work at the 'Star'. His present ban was due to expire in October 1983 (*FOCUS 20* p.9; *S 12.5.82*).

- Charles NQAKULA, a former senior reporter on the 'Daily Dispatch' and acting president of the Media Workers' Association (MWASA), banned last July for two-and-a-half years until December 1983 (*FOCUS 36* p.10; *S 7.5.82*).

- Horatius Vuyisile MDLELENI, a former executive member of the Black People's Convention (BPC), a poet and a director of the black writers' association, MEDUPE, banned in December 1978 for five years (*FOCUS 20* p.8; *CT 12.5.82*).

- Andrew MBILINI, banned for five years in February 1979, and Thabo Vincent SEHUME, banned for five years in May 1978 — both members of BPC (*FOCUS 22* p.4, 18 p.13; *S 11.5.82; 21.5.82*).

- Lybon MABASA, a founder member and the secretary of the Azanian People's Organisation, banned for five years in November 1978 (*S 13.5.82*).

- A former Robben Island prisoner, Monde Collin MKUNQWANA, banned on his release in 1978 for five years until March 1983 (*FOCUS 17*, p.7; *S 11.5.82*).

BANS EXPIRED

Banning orders served on the following persons have expired:

Mzwandile MAQINA (banned 4.7.77—31.3.82), playwright; Beauty Nosidima PITYANA (banned 6.4.77—31.3.82), social worker; Sibongile Albertina KUBHEKA (banned 12.5.77—31.3.82), former SASO office worker; Them-bani Shadrack PHANTSI (banned June '77—30.4.82), former student; Silumko Solomon SOKUPA (banned 24.5.77—30.4.82), former SASO organiser.

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Section 28 of the new Bill empowers the Minister of Law and Order to detain indefinitely, in the interests of state security, a convicted person who has completed a sentence. This 'preventive detention' section says that a person so detained should be held in a manner similar to other detainees, who have no contact with the outside world (*RDM 15.5.82*).

NUMBERS OF PRISONERS

The Annual report of the Department of Justice which was tabled in Parliament in May disclosed that the average daily prison population during the month of February 1981 was 104,622, the highest figure ever recorded in the country. The number of prisoners who could be accommodated in South African prisons in accordance with international standards was 75,576, 38.4% less than the actual figure. These figures give some indication of the gross overcrowding in South African prisons (*RDM 6.5.82*).

The Minister of Justice also announced

that there were 386 political prisoners on Robben Island. This figure seems to be well below current estimates. In March Helen Suzman of the Progressive Federal Party said that according to her information there were 486 political prisoners on Robben Island. A report by the International Committee of the Red Cross reported that during August and September 1981 they had visited 505 'security prisoners' (*RDM 22.4.82*).

RELEASES

- Three releases from Robben Island were reported in the press between March and May.

Two former students, Mzwabantu LUMKWANA (25) and Monde MBEKWA (25) were released from Robben Island at the beginning of March. They were convicted of sabotage in 1977 in Grahamstown (*V 7.3.82*).

A former member of the banned Soweto Students' Representative Council (SSRC), Maphison MOROBE (27), was released in the middle of May after serving three years on

Robben Island. He was among 11 students convicted of sedition in Kempton Park in 1979.

- A former Rhodes University social science student, Devandiren PILLAY (21), was released on 26 March after spending a year in prison.

He was sentenced with a Rhodes lecturer in journalism, Guy Berger (25), in Port Elizabeth Regional court on 16 March 1981 to two years imprisonment. On appeal both Pillay and Berger had their effective sentences halved.

Both were convicted under the Internal Security Act for being members of the ANC, of furthering its aims and of possessing and distributing banned publications (*DD 27.3.82; see FOCUS 34* p.5, 40 p.4).

- The former secretary of the African Food and Canning Workers' Union in East London, Bonisile Philemon NORUSHE (35), was released from a prison near Pretoria on 8 April after serving a year for refusing to give evidence in a political trial (*DD 9.4.82; see FOCUS 35* p.5).

REVIEW: REPRESSION OF TRADE UNIONISTS

In the face of a continuing increase in industrial militancy by workers and rapid growth in the strength and unity of the independent trade unions, repressive action against trade unionists has been sustained at an even more intense level than previously (*see Box*).

Action by the State has been aimed both at ending particular strikes and at undermining and disrupting trade union organisation generally. A major concern has been to impose statutory restrictions on the independent trade unions, and to limit the extent to which trade unions can participate in the broader issues of the black community.

Previous issues of FOCUS have described the initial response of the regime to the upsurge of industrial action by black workers which began at the end of 1979 (*see in particular FOCUS 30 p.1*). This review covers the period since April 1981.

DETENTIONS

Between April '81 and April '82 there were at least 347 detentions of trade unionists and workers.

Over thirty organisers comprising members of works committees, branch chairmen and national presidents were detained. On 27 November security police detained the general secretaries of three unions. Leaders were harassed by detention, release and re-detention.

As well as repression of individual leaders mass detentions of rank and file trade unionists occurred, especially in the Ciskei bantustan. This was particularly directed against SAAWU which had organised so successfully in the area since opening offices in East London in 1980. The Ciskei authorities detained 35 SAAWU members at Mdantsane bus station in June 1981 and in September detained a second group of 205 trade unionists at the same place following a joint union meeting in East London (*see FOCUS 36, p.9; 37, p.5*). Many workers sacked from Wilson-Rowntree in 1980 were among the detainees.

Although many unions face government interference it is the independent unregistered ones which have been affected most. Of these SAAWU stands out — 87 individuals were detained during the period covered and its members formed the majority of the 205 detained altogether. Towards the end of 1981 the leaderships of a number of unions were detained, notably the General Allied Workers Union. President Samson NDOU, General Secretary Mary NTSEKE and Organising Secretary Rita NDZANGA were all held.

Other unions affected were the African Food and Canning Workers Union, the Motor Assembly and Component Workers Union, Media Workers Association of South Africa, the National Federation of Workers, General Workers Union, and National Union of Motor Assembly and Rubber Workers. Unions which involved themselves in community as well as labour problems were particularly at risk.

Several of those detained were subsequently brought to trial, while four leaders of one union, the Motor Assembly and Component Workers Union (Macwusa) were banned on release (*see BANS*).

TRIALS

Apart from trials which followed detentions under the security laws (*see below*), very

many workers were arrested at the sites of disputes and charged with a variety of offences, mostly under the Riotous Assemblies Act. Charges included incitement to strike, forcibly preventing people from going to work, public violence, and assault. Arrests resulted from picketing at factories or holding meetings. Other unionists were charged with collecting contributions unlawfully. Even the incomplete figures given in press reports of disputes show that well over 1,200 workers were charged during 1981 with offences arising out of strikes or union activity.

At the beginning of 1982 the authorities charged union leaders with offences much more serious than Riotous Assemblies infringements.

Dumisani MANINJWA, chairman of the works committee at Hoover and a member of SAAWU, was charged under the Terrorism Act with three others. One charge related to obtaining information on SAAWU which could further the aims of the ANC. The state claimed that SAAWU's constitution corresponds to that of the South African Congress of Trade Unions (SACTU), the non-racial trade union federation which has not been able to operate openly in South Africa since the early 1960s.

Another trial which was due to begin at the end of May has six defendants including SAAWU's President, Thozamile GQWETA, Vice-President, Sisa NJIKELANA, and General Secretary, Sam KIKINE. Charged with them under the Terrorism Act were Allan FINE of the National Union of Distributive Workers and the Hotel and Liquor Trade Union, Cedric MAYSON, formerly of the Christian Institute and Barbara HOGAN, a worker of the Environmental & Development Agency.

POLICE METHODS

The police continued to be used regularly to control and intimidate workers. During 1981 the Minister of Police announced that the police had been called out on 191 occasions to the scene of disputes, stoppages and strikes. This was an average of more than once every two days (*Debates 24.2.82*).

Police were called in to enforce mass dismissals which some managements resorted to in order to break strikes. Police with dogs or teargas dispersed strikers from their workplaces. In addition strikers attempting to hold meetings away from the work site were dispersed. Police were also used to implement eviction orders aimed at forcing strikers to vacate their tied accommodation (*S 18.2.82; CT 16.2.82, 30.3.82, 11.5.82*).

TRADE UNION UNITY

Following government failure to persuade independent unions to register, new legislation

was introduced in 1981. It extended controls over unregistered unions and added further restrictions against political activity and assistance to strikers.

The unions answered the increased repression with significant moves towards unity. In August 1981 delegates representing 150,000 workers met at Langa near Cape Town. Twenty nine unions were represented and pledged united action on issues of common interest (*RDM 10.8.82*).

A second conference due in November was delayed by strikes and detentions. Among those working towards this conference was Dr Neil AGGETT, Transvaal branch organiser of AFCWU, who was detained on 27 November 1981. He died in detention on 5 February 1982. In protest at his death, over 85,000 workers observed a 30 minute work stoppage on 11 February. At least eight union banners surrounded his graveside, some confiscated by police after the service (*RDM 12.2.82, 15.2.82; GN 15.2.82*).

The delayed conference took place near Johannesburg at the end of April and delegates pledged to initiate structural steps towards unity. They recognised that this was urgent in the face of government repression and company lay-offs (*FM 30.4.82*).

STATISTICS OF REPRESSION

- Between April '81 and April '82 at least 347 trade unionists and workers were detained including 30 officials. Two of these needed psychiatric treatment. One died in detention.
- During 1981 more than 1,200 workers were charged with offences arising out of disputes or trade union action.
- The Minister of Police stated that during 1981 police were called to the scene of stoppages, strikes and disputes 191 times — an average of more than once every two days.
- In the first 4 months of 1982 four trade union officials were banned for a total of eight years.

STRIKES AND STOPPAGES

The official statistics for strikes and stoppages show the scale of the upsurge of industrial action in recent years.

Year	Strikes and stoppages	Days lost
1977	90	15,471
1978	106	10,558
1979	101	67,099
1980	207	174,614
1981	342	226,550

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BOTSWANA: MILITARY DESTABILIZATION REVIEWED

International press and media attention focussed on Botswana at the end of April this year, as the country selected by the Zambian President, Dr Kenneth Kaunda, for his meeting with the South African Prime Minister. Meanwhile, Botswana itself has continued to be exposed to various forms of border violation and sporadic incursions by South African armed forces. Its situation was recently described in sharp terms by its President, Dr Quett Masire, when he said that Pretoria was trying to turn Botswana into 'another Lebanon', by taking the internal war against apartheid out beyond South Africa's own borders into neighbouring states (S 13.4.82).

Botswana's heavy dependence on South Africa for trade and transport outlets, and the interlocking of its economy with that of its apartheid neighbour, have prompted its government to maintain a position of strict neutrality as far as direct practical support for the armed liberation struggle is concerned. Botswana is nevertheless a fully participating member in the Front Line States grouping and has been subjected to the kinds of South African military aggression, incursions and destabilisation tactics familiar from Mozambique (see FOCUS 39 in particular), Zambia (FOCUS 40), Zimbabwe and (on a much larger scale) Angola. In Botswana these include:

- border violations, incursions and exchanges of fire between Botswana Defence Force personnel, and South African forces operating from Namibia, particularly the Caprivi area
- illegal overflights of Botswana by South African military aircraft travelling between the Transvaal and Namibia, particularly the Caprivi area (Star 5.12.81; Daily News 13.4.82; S 14/15.4.82).
- kidnappings and abductions, apparently by South African agents and directed particularly at the South African refugee population in Botswana
- infiltration of arms into Botswana for use by gangs and dissidents, and the consequent accelerating incidence of armed robberies and other violent crimes
- recruitment of Botswana citizens for service in or with the South African armed forces, particularly in Namibia
- acts of poaching, especially around the

Chobe area in north western Botswana (FM 5.3.82).

INCURSIONS

A series of protest notes has been sent to the authorities in Pretoria by the Botswana government following reports of border violations and other incidents involving South African troops. These have elicited little or no response from South Africa — beyond, in some instances, flat denials that the incidents referred to ever occurred.

In an interview at the end of 1981, President Quett Masire said that his government was becoming increasingly concerned at the indications that South Africa was fabricating evidence of attacks by Botswana, as a way of justifying counter-attacks by South African forces (S 2.12.81; Star 5.12.81).

In April 1982, the second-in-command of the Botswana Defence Force, Brigadier Ian Khama, indicated that South African aggression against Botswana had been stepped up. During January and February 1982 in particular, he said, Botswana forces had been involved in a shoot-out with the South Africans in Caprivi. These incidents had continued, together with violations of Botswana's airspace (S/RDM 14.4.82).

At the end of April, the Botswana government again protested to Pretoria after South African troops were reported to have crossed into northern Botswana from Caprivi and fired on a BDF patrol (T 28.4.82; S 29.4.82).

SUBVERSION

Increasing evidence began to emerge during the second half of 1981 of the covert side of South Africa's destabilisation strategy in Botswana.

At the end of May 1981, the Botswana Vice-President and Minister of Local Government and Lands, Lenyeletse Seretse, made a direct reference to the recruitment of dissidents by South Africa for purposes of subversion. He condemned Botswana nationals who had enlisted in the South African armed forces, notably for operations against SWAPO, and announced that the Botswana government had reliable information that several XaXa people from Ngamiland in north-western Botswana had enlisted in the South African Defence Force. (The XaXa community emigrated to Botswana from Namibia at the turn of the century and in due course acquired Botswana citizenship) (Botswana Daily News 25.5.81; Cit/S 27.5.81).

Further light was shed on the processes of recruitment involved by the Deputy Commissioner of the Botswana Police. Commenting on the discovery by police of illegal arms and ammunition in the village of Shakawe, not far from the Namibian border in north-western Botswana, he said that most of the villagers involved were believed to have earlier crossed into Namibia in search of work. The South African authorities had there persuaded them to join the armed forces. Some of the unwilling soldiers have since then slipped back across the border and returned home with their military equipment, which they decided to keep for poaching game and for other personal reasons, he said (RDM 24.6.81).

The Basarwa or San (Bushmen) community in north-western Botswana are another group to have been exposed to South African army recruiting programmes. In 1980 a Canadian anthropologist, Professor Richard Lee, reported on the basis of his own extensive research among the !Kung San that 'a small but significant number of Botswana !Kung had crossed the Namibian border to join the South African army. This process had started in the early 1970s, when South African police patrols on the Namibian-Botswana border had contacted nomadic San bands and, using offers of clothing, tobacco and food rations, organised them into unarmed tracking units (Toronto Committee for the Liberation of Southern Africa Reports, September 1980).

There have also been numerous indications that Pretoria is using the South African refugee community in Botswana as a cover for infiltrating agents of various kinds and provoking disturbance and disorder in the country. In July 1981, President Masire stated in an interview that while Botswana 'had absolutely no problems with refugees, what we have had have been problems with fellow-travellers — either people who have run away from South Africa because they are criminals or people who have come from South Africa because they are BOSS agents' (RDM 22.7.81). Considerable concern has been expressed by the Botswana police and other authorities at the large number of unregistered firearms being brought into the country from South Africa, leading to a spate of armed robberies by organised gangs posing as South African 'refugees'. The head of the Botswana CID has estimated that 70 per cent of such crime can be attributed to South African elements who have infiltrated the country (RDM 24.6.81; S 14.10.81).

The International Defence and Aid Fund for Southern Africa 104 Newgate Street, London EC1A 7AP

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