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ON POLITICAL
REPRESSION IN
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EXECUTIONS CONDEMNED

Three members of the armed wing of the African National Congress, Umkhonto we Sizwe, were executed in Pretoria Central Prison on 9 September in spite of national and international protests. Sipho Bridget XULU (26), Clarence 'Lucky' PAYI (22) and Andrew Sibusiso ZONDO (20) went defiantly to their deaths, singing freedom songs, after refusing to beg State President Botha for their lives.

The three had all been convicted of the common law charge of murder in an attempt by the regime to deny the political motivation behind their actions.

Xulu and Payi had been on 'Death Row' since February 1985 after being convicted of killing Benjamin Langa whom they suspected of being a police informer. (FOCUS 58 p.8)

The three condemned men shared similar backgrounds. All were politicised at an early age by personal experience of apartheid violence. Xulu was expelled from school for participation in the school boycott of 1977. Later he was arrested during the funeral of a school pupil shot dead by police in Sobantu village, Pietermaritzburg, during a rents protest in 1982. The 1980 school boycott was the occasion which led Payi, at the age of 15 years, to join the ANC.

Zondo was sentenced to death in April 1986 for his part in a limpet mine explosion at a shopping arcade in Amanzimtoti, near Durban, in December 1985 which killed five people. He stated in court that he had attempted to give a warning before the bomb exploded. All attempts to appeal were refused. His trial, conviction and execution were of unprecedented haste in recent legal history. Legal procedure in South Africa is heavily weighted against the accused. In Zondo's case the State's determination to reach a swift conclusion led to blatant examples of prejudice. His crucial first court appearances and initial statement of admission

were made without benefit of legal advice or representation, even though the State's interests were being represented by a senior public prosecutor. The trial date was advanced and the venue moved out of Durban before he had acquired a lawyer. Defence requests for psychiatric examination were turned down. Zondo was assaulted by prison warders and on one occasion even punched in the courtroom.

When news of the impending executions became public the United Democratic Front, the Azanian People's Organisation, the Democratic Lawyers' Congress and *Diakonia*, an ecumenical grouping of Durban churches, were amongst those who protested inside the country.

On 8 September lawyers and relatives of Zondo, Payi and Xulu announced there would be no last-minute appeal for clemency. A court action calling for a stay of execution was dropped because 'they were not fighting a legal battle but a political one'.

Zondo's lawyer stated that had his client wished to escape execution he could have accepted an offer from the state to testify against other detainees.

Protests at the executions were strongest in KwaMashu, Durban and Sobantu, Pietermaritzburg, homes of the three combatants. A week of mourning was declared with a stayaway supported by 80 per cent of workers. In KwaMashu every school was affected after a local meeting of student representative councils called for protests. Hundreds of people attended a night vigil at Zondo's home while a police vehicle was stoned in Sobantu a few hours before the execution.

Xulu's mother rejected a Prisons Service offer of a third class ticket for the 400 mile journey to Pretoria and accommodation at the Central Prison. She stated: 'These people had no sympathy for me ...[or] they would have pardoned my sonhow can they expect me to sleep at the place [he] was going to be hanged?'

A lunch-time memorial service at the Johannesburg headquarters of the South African

Council of Churches saluted 'three more casualties struggling for liberation'.

The ANC condemned 'the execution of prisoners of war' and said the murders would be 'avenged in struggle'.

Three other men were executed alongside Xulu, Payi and Zondo bringing the total number of executions during 1986 to 82. At least 14 other people remain under sentence of death for political offences - Mojalefa Reginald SEFATSA, Oupa Moses DINISO, Duma Joshua KHUMALO, Theresa RAMASHAMOLA, Reid Malebo MOKOENA and Francis Don MOKHESI (FOCUS 63 p.1); Solomon MAOWASHA, Alex Matshepa MATSEANE and Elii WEBUSHE (FOCUS 66 p.5); Patrick MANGINDA, Desmond MAJOLA and Dickson MADIKANE (see MURDER TRIALS p.7); Josiah TSWANE and Daniel MALEKE. (S 5/9/10.9.86; DD 6/10.9.86; DN/Star 9.9.86; BBC 12.9.86; CP 14.9.86)

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STATE OF EMERGENCY

The regime has continued to use its emergency powers to impose several restrictions on every aspect of resistance and opposition. Detentions have increased and organised activity has been impeded. (See *ORGANISATIONS CURBED*) Information on the repression is hard to obtain.

During August and September increasingly severe restrictions on all forms of media reporting of popular resistance and police and army repression were imposed, despite the partial success of a legal application brought by the major newspaper companies. For this reason it is impossible to fully document the operations of the South African Defence Force, the various police forces and related structures.

Education in black schools continued to be disrupted by the presence of soldiers on school premises and the closure of schools; in townships where rent boycotts have been in force residents have been evicted and their protests put down with force.

MEDIA CENSORSHIP

Farreaching media curbs contained in the emergency regulations were reported in the last issue of *FOCUS*. In August the Argus Printing and Publishing Company, South African Associated Newspapers, Natal Newspapers and the *Natal Witness* newspaper made an application in the Natal Supreme Court against the government, the State President, the Minister of Law and Order and the South African Police Commissioner. They asked for an order declaring six of the emergency regulations void and without force and effect in law. (See *FOCUS* 66 p.1)

In court on 20 August two orders issued by the Commissioner of Police in terms of Section 7(1) of the regulations were conceded by counsel for the government to be technically invalid, as they had not been promulgated in the *Government Gazette*. All reporting, without permission, of information on the conduct of the 'security forces' in relation to the State of Emergency and public safety and order had been banned, while a second order, at first banning journalists from all African residential areas, but later amended, had prohibited them from reporting in any area where unrest was occurring. (S 21.8.86)

In the following fortnight newspapers were able to publish more detailed accounts of events in the African townships, although still heavily restricted by the remaining emergency regulations and by a network of other laws governing information on 'security' matters. However, on 3 September a fresh police order in terms of section 7(1)(c) of the emergency regulations was promulgated in the *Government Gazette*. This imposed far harsher restrictions on all forms of media reporting.

In terms of the order no journalists may be near or 'within sight' of any unrest, restricted gathering or 'security force' action. Furthermore, 'announcing, disseminating, distributing, taking or sending any comment on or news in connection with any security action' is prohibited. The order defines a 'security action' in broader terms than before, to include 'any actions to terminate unrest...to protect life or

property in consequence of any unrest' and 'any follow-up action after any unrest has been terminated or has ended, including...any action taken against a person who participated or who is suspected of participating in that unrest'. This includes the arrest of any person under the emergency regulations or the Internal Security Act, or for any offence committed during unrest. 'Unrest' is broadly defined to encompass 'any unlawful gathering, concourse or procession of any number of persons, any attack on a force or member of a force' and 'any conduct which constitutes a public disturbance or riot...' (DN 4.9.86)

On 21 August the Natal Supreme Court concluded its examination of the emergency regulations, declaring certain clauses void. These included Section 11, which allowed the Minister of Law and Order or a commissioned officer to seize copies of any publication containing material considered by the Minister to be 'subversive' or detrimental to the 'public safety and order' or the termination of the State of Emergency; Section 12, providing for the banning of all future copies of a publication considered 'subversive' by the Minister; Section 10(b), prohibiting the possession of a 'subversive' statement; and Section 7(1)(d), under which the Commissioner of the South African Police might issue orders which he deemed necessary for the 'public safety and order', or to terminate the State of Emergency. (GG 12.6.86; DD 5.9.86)

The court considered that some of these regulations were 'worded too widely', and could simply be reformulated. It upheld the validity of sections banning the utterance or dissemination of 'subversive' statements and the filming, recording and photographing of public disturbances, strikes, boycotts and the conduct of the 'security forces'. (Tel 5.9.86)

In another development, the Bureau for Information announced that no pictures of damage due to unrest could be taken during or after an incident, without prior permission. (BBC 6.8.86)

Although the Minister of Law and Order stated in August that his department had not investigated any newspaper or journalist for possible offences under the emergency regulations, news reports had nevertheless been interfered with. Police confiscated for a second time copies of the *Sowetan* newspaper in August, while the *Weekly Mail* newspaper announced plans to sue the Minister for having improperly delegated the power to confiscate copies of the newspaper in June.

During August United States and British news agencies were reported to be consulting government officials after some of the newsreels they had sent out of South Africa had failed to reach its destination. (WM 1.8.86; S 11.8.86)

MILITARY AND POLICE

Following the ruling by the Natal Supreme Court in August, described above, brief isolated reports of police and military activities were carried in the South African press. In addition, some incidents have been reported by the media outside South Africa.

From the limited information available, it is evident that police and military operations have followed the same pattern as in the previous

State of Emergency. From police stations or temporary army bases, townships have been patrolled by police and troops in armoured vehicles. They have attacked and broken up gatherings, meetings or demonstrations, and carried out unprovoked attacks on residents, firing teargas and rubber bullets and using shotguns. To prevent mass funerals of victims of police or army violence, specific areas or whole townships have been sealed off, and stadiums and other meeting points occupied. Townships have been cordoned off for systematic house-to-house searches.

During day-to-day operations, detainees have often been held for hours in armoured vehicles. Police and troops have swooped on specific residences or places of work to carry out detentions. For example, in June police raided most of the major supermarkets in Worcester, detaining a large number of people. In Johannesburg, police detained 999 members of the Commercial Catering and Allied Workers' Union on strike at a dairy. On release from detention two weeks later, 750 of the workers were dismissed from their jobs. A number of people who have been detained, including children, have made statements and affidavits testifying to being tortured and beaten by police and soldiers. (CT 21.8.86; Obs 24.8.86)

Some townships have been subjected to virtual sieges by the police or soldiers. Zwelethema near Worcester was subjected to a dusk-to-dawn curfew. An army camp was established on its outskirts and large towers with searchlights erected. At night the searchlights swept across the township, often resting on the houses of community leaders. When residents participated in the nationwide strike on 16 June the police and troops retaliated by detaining over 150 people. In July troops tried to break a boycott of the local beer hall by distributing leaflets inviting residents to a free party at the hall. When this was boycotted, troops again raided homes and beat up local people. (CT 15.8.86; GN 21.8.86)

In Tumahole, outside the town of Parys in the Orange Free State, police were reported to be roaming the streets with a local 'vigilante' group known as the 'A-Team'. They reportedly whipped people found on the street after 9 pm and beat children who were late for school. Allegations of similar activities by the police or army in a number of other townships in the Transvaal and Cape were reported. In New Brighton, Port Elizabeth, troops erected a barbed wire barricade around the township, manned the few exit points, and searched vehicles. (WM/GN 21.8.86; S Star 24.8.86)

Large numbers of police and troops have been deployed in African schools. The issuing of identity documents (see below) was carried out at gunpoint in many areas, and detachments of troops have remained in occupation of some schools. Soldiers have carried out military exercises in the schoolyards, broken into classrooms to detain students, and interrupted classes. At some schools soldiers or police have been stationed in the classrooms, administering corporal punishment with whips. (S Star 3/24/31.8.86; WM 7.8.86, 4.9.86)

In these operations, a growing role has been played by police falling under the Black Local Authorities or Town Councils. The Town

Council police force is a relatively new one, consisting of about 6,000 men who have been recruited mainly from rural areas, then given three months' training, armed, and sent into the townships. They have been responsible for some of the worst violence in recent months, including the massacre in Soweto in August during the rent protest. (see *RENT BOYCOTT* below). A further 10,000 Town Council police are due to be trained.

The South African Police force is training an initial complement of 1,000 auxiliary 'special constables'. They will be armed and deployed in the townships after three months' training. Some new police stations have been built and a new college for the training of Indian policemen opened. According to the Minister of Law and Order, the regime intends increasing the current ratio of 1.7 policemen to 1,000 citizens to 2.9 for every 1,000 as a matter of 'urgency'. (DD 11.8.86; Star 3.9.86; GN 22/23.9.86)

EDUCATION

While the authorities claimed that they closed more than thirty schools because it was no longer possible to hold classes in them, the real reason appeared to be to disrupt student organisation and prevent alternative education from taking place.

When African schools reopened in the Transvaal for the fourth term on 10 September most secondary schools in Soweto were empty by noon. Thousands of students put in an appearance and then left in protest at the presence of soldiers and the detention of fellow students. Students said they would continue a three-day-a-week boycott adopted in the previous term.

The Department of Education and Training

(DET) threatened to close Soweto schools if students failed to attend classes. The threat was given weight by the announcement on the previous day that more than 20 schools in the Eastern Cape would be closed until the end of the year. Further closures were threatened if the daily attendance dropped below 80 per cent. (S/Star 10.9.86; DD 10/11.9.86)

Thirteen more schools, including ten in Soweto, were closed on 15 September. Students at some schools forced the gates open but were later evicted by troops. The DET said that it had closed the schools because of continued disruption and poor attendance. As a result this had made effective education impossible. Staff members at some of the affected schools disputed the DET claims and maintained that attendances at other schools were worse. At a school where attendance was high, the headmaster claimed that it had been closed because of his involvement in the Soweto Parents Crisis Committee – a branch of the National Education Crisis Committee. At other schools where attendances had been good, the closures followed boycotts initiated after troops had been moved onto the premises. (S 16.9.86; WM 19.9.86)

Many schools had been closed during the third term after the DET issued new regulations for students and teachers in July and members of the SADF were stationed at schools to enforce them. The most contentious of these were the requirements for students to re-register and carry identification cards. Students at many schools refused to register and burnt their ID cards or boycotted classes.

By the middle of the third term more than 300,000 students were barred from attending classes because of their refusal to register and carry the ID cards. (FM 1.8.86)

In the middle of August students in Soweto started a three-day boycott every week, demanding that soldiers be removed from their schools. In the Eastern Cape boycotts were maintained at most secondary schools, resulting in the closure of 29 schools in the area by the end of August. (Star 22.8.86; WM 28.8.86)

An application challenging the compulsory registration of students was brought to court by the NECC, a body of concerned educationists and parents. The application claimed that the measure singled out African students for 'inequitable, unequal and unjust' treatment. The State responded that the NECC planned to replace the current education system with a 'people's education' system that would mobilise people to overthrow the state. The application was dismissed on 10 September. The court said that the NECC had no right to challenge the promulgation. (WM 8.8.86; DD 11.9.86)

On university campuses there have also been continuing protests by students and disruption by the authorities. Students at the University of the North were cut off from the outside world by soldiers and police on the campus in September. Students were not allowed to make or receive telephone calls and were issued with ID cards which they had to produce on demand. (WM 12.9.86)

The vice-chancellors of five universities issued a declaration on the national education crisis on 15 August, stating that South African universities could not carry out their proper function under the State of Emergency. It called for the end of the emergency, the release of detainees and the lifting of curbs on information. Twelve academics, including a number of those who signed the declaration, met for talks with the ANC in Lusaka, Zambia, on 15 and 16 September. (CT 28.8.86; BBC 17.8.86)

RENT BOYCOTTS

In the second quarter of 1986 rent boycotts emerged as the main form of popular opposition to apartheid. In some areas they had been going on for over 18 months, in others they have developed more recently. At the end of August an estimated 300,000 families were refusing to pay rent in 48 townships. Since September 1984, when rent boycotts in the Vaal Triangle developed into more general resistance, councils have accumulated a debt of more than R250 million. (WM 1.8.86; GN 15.8.86; CP 7.9.86)

Most boycotts were initially a response to increased rentals and service charges, but as resistance intensified, demands included the lifting of emergency restrictions, withdrawal of troops from the townships, release of detainees, resignation of town councils and the scrapping or reduction of rents.

SOWETO

At least 24 people were killed and one hundred injured in Soweto on 26 August when police opened fire on residents protesting over evictions resulting from the long-running rent boycott in the area.

Rent boycotts had been in operation in various parts of Soweto since the beginning of the year. A boycott covering the whole area was called by popular organisations in June as part of the build-up of resistance to apartheid on the eve of the tenth anniversary of the 1976 Soweto uprising.

By the end of June the income of the Soweto council from rents and service charges

had been reduced from R9 million to R2.6 million. Later it was forced to use R8 million of its reserves. Officials claimed that the council faced bankruptcy.

On 9 July the council posted orders threatening eviction if residents who had not paid their rents for two months or more did not pay by 15 July. It also said it would reallocate the houses of boycotters to the more than 20,000 people on the waiting list. Civic organisations called on residents to ignore the orders and continue the boycott.

Council police raided the homes of boycotters early on 15 July. Fighting broke out between residents and the council police, followed by a march on the council chambers. As a result of the protests and a court case brought by the Soweto Civic Association charging that the eviction notices were illegal, the Soweto Council extended the deadline for evictions by seven days.

The council claimed that tenants were willing to pay but were being intimidated by threats from militants. But attempts to get residents to pay by post and at a special office in the centre of Johannesburg were not successful. At the end of July new eviction notices were issued giving boycotters seven days to pay.

After the shootings on 26 August a councillor was killed and the homes of three others were firebombed, resulting in an exodus from Soweto of all councillors. (S 17.3.86; 18.5.86; S 10.7.86; Star 21.7.86 GN 28/29.8.86; FM 5.9.86)

OTHER AREAS

By August 1986 boycotts were taking place in many areas in all four provinces. In Mamelodi, Huhudi, Sibongile, Tumahole and Khayalitsha boycotts had been sustained for more than six months. A boycott in the Vaal triangle had been in force for two years. (Star 10.1.86, 8.2.86; Cit 1.2.86; S 27.6.86; WM 5.9.86)

Councils have used a variety of methods to break the boycotts, including the suspension of electricity and water supplies and refuse removals, the detention of activists withholding their rents, threats of mass evictions by the SADF and the suspension of council employees believed to have encouraged tenants to withhold rent. (Star 8/10.1.86; New Nation 27.2.86; Star 16.7.86; S 20.8.86)

In mid-July Development boards in the Orange Free State and Vaal Triangle made a concerted effort to break the boycott by evicting tenants under the Housing Act. This legislation provides for the removal of tenants at seven days' notice without recourse to the courts. In the Vaal Triangle alone 1,800 residents were summonsed and by mid-August 200 families had been evicted. (FM 25.7.86; S 11/19.8.86)

Earlier attempts to evict tenants in March were suspended when workers protested by staying away from work for two days. (SASPU National April/May 1986)

In August newspapers exposed plans to break the boycotts in the Vaal Triangle. They were drawn up by the local Joint Management Centres – state agencies combining representatives from the army, police, town councils and local chambers of commerce and falling directly under the State Security Council. The plans proposed the formation of 'local collection action groups' made up of policemen, councillors and development board officials which would enforce the collection of rents. It further proposed to identify hostile residents, build computerised profiles of communities in order to identify areas where support for boycotts was weak, evict selected tenants and ensure that employers provided the names of employees so that rents could be deducted by stop order. The plans also proposed a 'hearts and minds' campaign to recruit youths for 'weekend camps' which would be aimed at encouraging them to convince their parents to pay their rents. (WM 1.8.86)

DETENTIONS

Between June to September the State of Emergency dominated public awareness of detention without trial. This reflected both the large number of people detained under the emergency regulations, and the frequency of challenges in the courts – largely unsuccessful – to the validity of the regulations.

By September unofficial estimates of the number of people detained under the State of Emergency regulations ranged from 10,000 to 12,000. When in August and September the government published lists of over 9,500 names of people held for more than 30 days under the regulations, monitoring groups pointed out that many others had been released after less than 30 days.

A list of 4,000 names of people unofficially reported as having been detained under the emergency regulations was published in *IDAF Briefing Paper No. 22*. This issue of *FOCUS* does not name people held under the emergency regulations, but concentrates in the space available, on people detained under the Internal Security Act and people detained under laws or regulations in force in particular bantustans. (Star 27.8.86)

COURTS AND EMERGENCY REGULATIONS

Since June courts throughout the country have handled cases brought by or on behalf of people detained under the emergency regulations. Most applicants sought to have specific detentions declared invalid. Others sought orders restraining police from assaulting particular detainees, or orders allowing lawyers access to detainees. Still others attempted to improve conditions in particular prisons. Although some cases led to rulings which declared sections of the emergency regulations invalid, only a small minority of the thousands held under the regulations enjoyed the benefits. On the other hand one consequence of the actions was that names of detainees otherwise unobtainable, were published in press reports of court proceedings.

While the courts may not challenge laws passed by Parliament (which at present encompasses three segregated chambers and a state-appointed President's Council), some lawyers have tried to challenge the validity of regulations made in terms of such laws.

In July the Metal and Allied Workers Union brought an action in the Natal Supreme Court against the Minister of Law and Order which sought, among other things, to invalidate a clause of the emergency regulations forbidding detainees access to lawyers. This part of the application was successful and a number of detainees in Natal were visited after lawyers applied to the Minister. However, access was not always permitted. Two weeks later the Minister of Justice repealed the rule he had issued prohibiting legal representatives from visiting detainees without the permission of the Minister of Law and Order or the Commissioner of Police.

When Solomon Lechesa TSENOLI, the UDF's Publicity Secretary in Natal, was released from detention on 11 August after a ruling in Durban by the Natal Supreme Court declaring two key clauses of the emergency regulations invalid, lawyers throughout the country applied for the release of their clients. However, in a similar case another Natal court upheld the emergency regulations and the

Rand Supreme Court halted all applications for the release of detainees pending the outcome of the State's appeal against the Tsenoli ruling. (Star 12/14.8.86)

In the case of Tsenoli the court decided that clauses 3(1) and 3(3) of the emergency regulations were *ultra vires* going further than Parliament could have intended when it passed the Public Safety Act in 1953 to provide for the promulgation of emergency regulations.

Clause 3(1) provides for the arrest, without a warrant, of a person by any member of a 'Force' (including the police, army and prison service) if they consider it necessary for the maintenance of public safety or order, for the termination of the State of Emergency or for the safety of the person detained. Clause 3(3) enables the Minister of Law and Order to order anyone so detained to be further held for any period he may specify while the emergency is in force. (GG 12.6.86; CT 12/13.8.86; FT 10.9.86)

On 14 August a Natal Supreme Court sitting in Pietermaritzburg concluded that the Tsenoli ruling was incorrect. The release of Peter KERCHHOFF, the organiser of a local church agency, was refused on the grounds that Parliament had 'conferred a far-reaching discretion on the State President' by empowering him 'to make such regulations as appear to him to be necessary or expedient'. An appeal was lodged against the ruling. However, one month later Kerchhoff was released without explanation. On 30 September the Appeal Court overturned the Tsenoli judgement and dismissed Kerchhoff's appeal. (Star 15.8.86; DN 17.9.86; CT 2.10.86)

In another case, six detainees who successfully applied for their release from Westville Prison, Durban, were re-arrested under the Criminal Procedure Act. Some further successful applications for the release of detainees were mostly based on the Tsenoli ruling, or on the argument that the arresting person could not have been acting in good faith. The Detainee Parents Support Committee reported that by the end of August 18 people had been released as a result of legal applications involving 124 detainees. (Star 13.8.86; WM 12.9.86)

Three urgent applications restraining police from assaulting teenagers held at Westville Prison were granted by the Durban Supreme Court in July. In August the Minister of Law and Order agreed to restrain police from assaulting Rev Smangalis MKATSHWA, the Secretary General of the Southern African Catholic Bishops Conference. However, he did not concede that any assault on Mkatshwa had taken place. (Star 11.7.86; DD 29.8.86)

BANTUSTANS

Repression in the bantustans has received relatively little public attention. However, even the incomplete information available concerning detentions underlines the fact that resistance in these areas is widespread and organised.

● **Bophuthatswana** Action against opponents of the authorities was taken in two operations at the end of August.

On 31 August bantustan police and army personnel surrounded Winterveld and arrested 45 people after searching houses. The bantustan police said two days later that they had detained three men and four youths suspected of being ANC members.

Around the same time at least 24 members of an opposition party were reported detained, including the party's leader. The Chairman of the Seoposengwe Party, the meetings of which had recently been banned, said the arrests were an attempt to intimidate people from supporting

the organisation. (Star 2.9.86; BBC 2/4.9.86)

● **KwaNdebele** Resistance to the authorities focussed on opposition to incorporation of two areas into the bantustan – Moutse and Ekangala (see *FOCUS* 63 p.3) – and to the imposition of 'independence'. As a result of widespread resistance, plans to declare the bantustan 'independent' in December were shelved and in mid-August about 200 people were released from detention. Press reports did not indicate what powers had been used to detain them. However, the emergency regulations were extended to non-'independent' bantustans on 18 June, and specific regulations imposing a curfew and strict controls on movement were applied to the KwaNdebele area. (DN/Star 14.8.86)

● **Venda** On 1 April the African township of Vleifontein, near Louis Trichardt, was incorporated into the bantustan against the wishes of its residents. Many people had moved there when another township was incorporated in 1980. The Vleifontein Crisis Committee was set up to resist incorporation, and its chairman, Rev David RAMEHLAPHE was detained on 29 May.

On 14 June at least twelve more residents were detained. It was reported that they had been held under the Maintenance of Law and Order Act introduced by the Venda bantustan authorities in March 1986 to replace the Terrorism Act. This had continued in use in the bantustan after it was replaced in the rest of South Africa by the 1982 Internal Security Act. (S 30.5.82; Star 18.6.86; CP 6.7.86; Amnesty International 19.8.86)

● **Lebowa** A large number of people were detained in the Lebowa bantustan under the emergency regulations (See Briefing Paper No.21 for names listed under Nebo, Potgietersrus, Pietersburg). These detentions affected youth and student organisations as well as community organisations, all of which have played a part in resistance to the Lebowa bantustan authorities. (See *FOCUS* 64 p.1, 65 p.6)

Among the organisations affected was the Northern Transvaal Advice Office, a community advice centre assisting families of detainees and other victims of police actions. The centre's director, Khangalo MAKHADO was detained on 25 March under Section 29 of the Internal Security Act and had still not been released by mid August. (FOCUS 65 p.7; Amnesty International 12.8.86)

● **Transkei** Those detained included several students at the University of Transkei, the scene of a sustained boycott starting in May after the eviction from the bantustan of two students at the university. (See *FOCUS* 66 p.3)

On 29 July, the day of an armed attack on the police station in Umtata, three people were detained, including a former leader of the Democratic Party Hector NCOKAZI. One of the others, Synod MADLEBE, served a three-year sentence in the 1960s as a result of PAC activities. He was detained without trial in 1976 and in 1977 and for nearly two years from December 1978 to September 1980. (FOCUS 36; CP 24.8.86; DD 6.9.86)

● **Ciskei** Youth, pupils and teachers formed a significant proportion of those detained during the first part of 1976, reflecting the continuing struggle over education in the area.

In the days preceding the declaration of a State of Emergency by the central government, several people were detained in the Ciskei area. They included community leaders from Sada, three of whom had recently been acquitted of charges of subversion (Victor SHANGE, Xolile MALOBOLO and Joseph MDLALO), and six UDF officials and activists.

DETENTIONS - Additional to previous *FOCUS* lists**INTERNAL SECURITY ACT** - Section 29 and 31 (Section 50 detentions not included)

7.4.86 Springs Oupa MAHLANGU	15.5.86 Benoni Abiot MATSHEGA <i>UDF</i> <i>Organiser</i> Captain MAKOKO	22.7.86 Durban George WEBSTER <i>Brother of Gordon Webster</i> (see <i>FOCUS</i> 66)
12.4.86 Durban Bhutsu DLAMINI Bhekani DLADLA Tulani DLADLA Vitalis ZIKALALE Sibusiso DLAMINI Zakhele KHUMALO Bongani MAKWANAZI Nduduzi MKIZE	16.5.86 East London Mancinci QAJANA <i>Mooiplaas RA</i> Stephen KUPISO <i>Mooiplaas RA</i> Nkosinkulu MALI <i>Mooiplaas RA</i> Lengusile MBITYI <i>Mooiplaas RA</i> Zithelele MJEJULA <i>Mooiplaas RA</i> Khekile THWANI <i>Mooiplaas RA</i> Fumene THWANI <i>Mooiplaas RA</i>	22.7.86 Durban <i>Armed incidents between March and June</i> A 'large number' of alleged guerillas
15.4.86 East London Wontu MATSHELE <i>Mooiplaas RA</i> Norunthse GWODISO <i>Mooiplaas RA</i> Sindiswa MBOLA <i>Mooiplaas RA</i>	21.5.86 W Cape Joseph NGOMA	15.8.86 Eastern Transvaal <i>Shootout in which 4 alleged guerillas died</i> Unnamed alleged guerilla
22.4.86 Cape Town Monde NTSHAKA	25.5.86 Durban Mazawana GAMA	Rep. 3.9.86 Durban <i>Following explosion on 1 September</i> Alleged ANC guerilla
23.4.86 W Cape Susele Joseph MKUHLWA Mayo MQATSA - ISA Section 31	10.6.86 Alexandra Johannes MANANA July 86 Alexandra <i>On return from overseas. Originally Emerg. det.</i> Moses MAYEKISO MAWU	Rep. 19.9.86 <i>Explosions: Pretoria 4.7.86; E Tvl 17.8.86</i> 7 unnamed alleged ANC guerillas
		Rep. 21.9.86 <i>Transferred from Emerg. Det.</i> Phinda MOLEFE

DETENTIONS IN THE BANTUSTANS

The detentions listed below were made under laws operating in the area involved: the Bophuthatswana Internal Security Act, the Ciskei National Security Act, the Transkei Public Security Act and the Venda Maintenance of Law and Order Act. In bantustans not declared 'independent' the Internal Security Act and emergency regulations under the Public Safety Act were used.

BOPHUTHATSWANA

21.5.86 **Mafikeng**
Titus SEIPHETLO
Willem SEIPHEI
24.5.86 **Mafikeng**
Rev. John LAMOLA *SACC Fieldworker* - Rel.
6.6.86 **Winterveld**
Stanley DLAMINI
17.7.86 **Garankuwa**
Charles NGALO AZASM Rel. 31.7.86
Rep. 25.7.86 **Mafikeng**
Potso MOLEFE
Aug. '86 **Soshanguve**
Death of policeman in Winterveld
Morris Oupa NGOBENI - Rel. 18.8.86
Norman Isaac MOLOTO - Rel. 18.8.86
Samuel Tholo MOILA - Rel. 18.8.86
31.8.86 **Winterveld**
Police and army raid in Winterveld
7 unnamed alleged ANC members
2.9.86
Molotfi SEFORA *Son of Victor SEFORA*
Victor SEFORA *Seoposengwe Party Leader*
22 unnamed people *Seoposengwe Party*

CISKEI
18.3.86
Ntobeko DAMOYI *East London YCO*
Sipho FULENI *East London YCO*
Fezikile MAQHUTYANA *East London YCO*
Thembaletu FIKIZOLO *East London YCO*
20.3.86 **Mdantsane**
Sebenzile BOYCE AZASO
Makhaya MATSHISI AZASO
22.4.86
Vukile NTLEBI
28.4.86
Mzwandile MASINGUTA
Washe STUURMAN
1.5.86
- NGONYAMA
Dixon MATIKA
5.5.86 **Mdantsane**
Mlandeli VAZI
Mlandeli GOANGENI - Rel. by 18.5.86
9.5.86 **Mdantsane**
Joe MATI *SACHED Advice Officer*
Sithembele SIXESHA *Teacher* Rel. by 18.8.86
12.5.86
Lungisile DOM *Dimbaza YCO*

Mvuseleli DOM *Dimbaza YCO*
Phondi JONAS *Dimbaza YCO*
16.5.86
Christopher MABUYA *East London YCO*
Rep. 1.6.86 **Sada**
Community leaders from Sada
Joseph MDLALO
Mthetheleli MVANA
Daluxolo MYATAZA
Punkie OLIPHANT
Pumlani MAJIZA
Xolile MALOBOLA
Small MTABATHA
Victor SHANGE
Rep. 8.6.86 **Sada**
Bhutise MBHOLOMPO
J David JAMES
10.6.86 **Bisho**
Albert WHITTLES *KingW'Town CA; Border*
CC UDF
Avril FRITZ *KingW'Town CA; UDF*
10.6.86 **Dimbaza**
Smuts NGONYAMA *Dimbaza YCO; UDF*
Rep. 11.6.86
Nicholas PHILIP *UDF*
Themba DYANTHYI *UDF*
Patrick TITULO *UDF*
17.7.86 **Mdantsane**
Ntsikelelo BUGANE *ELPTU* Rel. 26.8.86
Aug. '86 **Dimbaza**
Nawina TATA
Vuyisile JACOBS
16.8.86
Diliza Francis KUNJUJWA *CPRPP*
Rep. Aug. '86 **Mdantsane**
Nelson LUKANI - Rel. 26.8.86
Makhaya RUBUSHE - Rel. 26.8.86
Prince TUKANI - Rel. by 26.8.86
29.8.86 **Alice**
Vuyani NGCUKA

LEBOWA

Rep. 16.5.86 **Mahwelereng**
Alfred MALAKALA *Mahwelereng PCC Sec.*
29.5.86 **Mahwelereng**
Paledi SELELO *Mahwelereng SRC* Charged
30.5.86 **Mahwelereng**
Perry Motsibi KEKANA AZAPO. *Teacher*
Kagiso MOGALE AZASM

TRANSKEI

18.4.86
Frederick GQOLA
28.5.86 **Umtata**
Xoliswa GABA *UNITRA student evicted*
from Transkei 30.5.86
29.5.86 **Umtata**
Lecture boycotts over eviction of students
Teboho RANAKHELE *UNITRA SRC*
Mashumi NYAMANA *UNITRA SRC*
Alfred NCHITHWA
Bulelwa NDZUTHA
Vuyani NOBONGOZA *UNITRA SRC*
Rep. 29.6.86 **Umtata**
Distribution of June 16 Pamphlets
Thandelakhe MGJIMA and 8 others
29.7.86
After armed attack on Umtata Police Station
Synod MADLEBE *Ex-pol. prisoner*
Sigqibo MPENDULO
Hector Bongani NCOKAZI Rel. Aug '86
Rep. 1.8.86 **Umtata**
Mphatiswa MGQALISO *UNITRA student*
Tenqimfene MTOBELI *UNITRA student*
Mtunywa NGONZO *UNITRA student*
Unnamed *UNITRA student*
Zuko VABAZA *UNITRA student*

VENDA

22.5.86 **Sibasa**
Jerry NDOU } *Univ. of Venda SRC*
Dan MPHAPHULI } Rel. by 11.6.86
28.5.86 **Vleifontein**
Resistance to incorporation into bantustan
Rev Daniel RAMEHLAPE *Vleifontein PCC*
Rep. 16.6.86 **Vleifontein**
Resistance to incorporation
Edward MAKGATU
Benedict MAHLADIFE
Ronald MASHAU
Stephen MOKODITOA
Russel MOLEFE
Steven NEMAVHIDE
Livingstone PHULWANA
Peter TSHIKOTA
Abel MUDAU
Bethwell MUDAU
Joseph MUDAU
Sonnyboy MULAUDZI

ABBREVIATIONS

AZAPO - Azanian People's Organisation; AZASM - Azanian Students Movement; AZASO - Azanian Students Organisation; CA - Civic Association; CC - Council of Churches; DWU - Domestic Workers Union; ELPTU - East London Progressive Teachers Union; CPRPP - Ciskei People's Rights Protection Party; MAWU - Metal and Allied Workers Union; PCC - Parents Crisis Committee; RA - Residents Association; SACC - South African Council of Churches; SACHED - South African Council for Higher Education; SRC - Students' Representative Council; UNITRA - University of Transkei

POLITICAL TRIALS COMPLETED

DLODLO

After a short trial in the Johannesburg Regional Court in August, Mswazi Victor DLODLO (24) was convicted of 'terrorism'. He pleaded guilty to the main charge of conspiring with a banned organisation, the ANC, with the intention of overthrowing or endangering state authority. He was not convicted on alternative charges of recruiting people into the ANC, training them in the use of weapons and furthering the ANC's aims by violence.

The offences allegedly took place between 1983 and January 1986. Dlodlo was said to have undergone military training in Angola, the Soviet Union and elsewhere. He allegedly received a rifle, ammunition, money and false documents from the ANC in Botswana and returned to South Africa in January this year by way of the Bophuthatswana bantustan.

Sentence was postponed until 5 September. (*Star* 5/8.8.86)

LENTSWANE AND OTHERS

Abraham LENTSWANE (30), Sibusiso Peter Paul NGWENYA (32), and Guy MALAMBA (25) pleaded not guilty to treason, alternatively 'terrorism', in the Rand Supreme Court in August. The charges, mainly of conspiracy, arose from the discovery of arms and ammunition at a house in Soweto in December 1985. The men were accused of reconnoitring airforce bases in preparation for an attack using SAM-7 surface to air missiles, and planning to construct car bombs. An additional charge referred to an abortive attempt to kill Det Sgt Thabane Luthuli of the Durban police.

A number of police officers gave evidence about Ngwenya's arrest on 18 December and the subsequent discovery of the hidden arms. At the beginning of September Ngwenya himself took the stand and told of being deprived of food and assaulted at Protea police station. He was forced to stand for up to six hours and was given karate chops to his spine. Ngwenya, a computer programmer, said that he made contact with the ANC in Botswana in order to establish the circumstances surrounding the death of his brother, Mto, an ANC member. Mto and another brother, Spokes, left South Africa in 1979.

The trial was interrupted for two days when the defendants refused to participate, saying they were too hungry to concentrate. Ngwenya acted as spokesman for the three, protesting that the prison food was inedible and that they relied on friends and relatives to supply food parcels, which had now been stopped. The press did not report how the matter was resolved, saying only the judge reserved judgement until the end of the trial on whether the defendants' action was justified.

Two women called as state witnesses refused to give evidence and were imprisoned. Bongwiwe Yvonne MHLONGA (27) was a teacher at Pheleni High School, Soweto, until being detained on 28 December 1985. On 28 August she was sentenced to a further two and a half years in custody unless she changed her mind and testified before the state concluded its case. It was reported that the judge suspended an additional six months 'in view of the dignified conduct and composure of the witness'. On 2 September Zandile MKHIZE (29), a nurse from Durban and the mother of Ngwenya's child, was sentenced to three years' imprisonment for the same offence. Mkhize, who had not been detained prior to the trial, was described as 'arrogant' by the judge. The three were all convicted of high treason and on 26 September were each sentenced to 15 years' imprisonment. (*Cit* 27.6.86, 14.8.86; *Star* 8/13/14.8.86, 3/4.9.86; *S* 14/21-29.8.86, 2/3/4.9.86)

imprisonment. (*Cit* 27.6.86, 14.8.86; *Star* 8/13/14.8.86, 3/4.9.86; *S* 14/21-29.8.86, 2/3/4.9.86)

LIBAZI AND HEWUKILE

Two men from Mdantsane in the Ciskei bantustan who were seriously injured in a shoot-out with police at a roadblock near Mount Ruth in July 1985 (*FOCUS* 61 pp.2,3), have appeared in the East London Supreme Court charged with murder, attempted murder, 'terrorism' and possession of arms. Khaya Carmichael LIBAZI and Andile HEWUKILE (both aged 25 years) pleaded not guilty to all charges.

They were allegedly involved in a number of bombing incidents in East London including an explosion at the City Hall and at a petrol station in Amalinda, both on 21 June 1985. These caused extensive damage but no loss of life.

The charge of murder related to the death of Detective Constable Lungisile Bhakiso during the Mount Ruth shoot-out. Two alleged ANC guerrillas, named as Mzwandile MCATA and Nkuleleko NJONGWE, who allegedly planned all the actions were also killed. Argument in the case centred on the extent to which Libazi and Hewukile were willing participants. The police stated they were waiting for the white van containing the men as it approached a T-junction they were guarding. The defence alleged that the driver, who escaped and has never been captured, was in fact a police informer. Neither Libazi nor Hewukile fired at the police during the shoot-out. Njongwe, however, who was armed with a pistol, resisted arrest and in the subsequent shooting Hewukile was shot four times and Libazi received a bullet in the leg before falling unconscious. Although lying on the ground seriously wounded, both men were interrogated. In court they denied telling police they were on the way to sabotage two sub-stations.

Hewukile's mother, who was arrested by the Ciskei bantustan police on 31 July, and Libazi's grandmother were both called to give evidence for the state. Members of the security branch of both the South African Police and the bantustan force gave evidence about ANC activity in the area and the ANC's supposed links with the East London Youth Congress (ELYCO), of which both men were members. It was said that at least half of those who left the region to join the ANC had links with ELYCO. Furthermore many ANC 'operatives' were being harboured in Mdantsane. The bantustan security police said most of those involved in ANC activities in Mdantsane were former Robben Island prisoners. (A large number of former political prisoners were banished to bantustan areas on their release.) Libazi said he was influenced by what ANC members told him about the Freedom Charter because it 'made sense'.

The trial was adjourned to Grahamstown for judgement. Both men were convicted of 'terrorism' and illegal possession of arms. They were acquitted of the murder and attempted murder charges. On 19 September they were sentenced to 15 years each for 'terrorism' with a five-year concurrent term on the lesser charge. (*DD* 5/19.3.86, 19-30.8.86, 5/18/20.9.86; *Star* 20-28.8.86)

MAHLANGU AND GEBASHE

Two alleged ANC guerrillas were due to appear in the Pretoria Regional Court on 21 July on 13 charges including 'terrorism', membership of the ANC, possession of arms, ammunition and explosives, robbery with aggravating circumstances and attempted murder.

Johannes Somdeni MAHLANGU (27) and

Mxolisi Bright GEBASHE (28) were alleged to have undergone military training after leaving South Africa in 1979 and 1977 respectively. They allegedly returned to the country with false identity documents and recruited ANC supporters in the Kwaggafontein area of the KwaNdebele bantustan where they settled. They also allegedly reconnoitred targets for sabotage and purchased two cars for transporting weapons. Between April and December 1985 they allegedly possessed two pistols, ammunition and three grenades.

The charge of aggravated robbery arose from a robbery at a bottlestore near Dennilton on 22 November in which one man was wounded. Mahlangu was further alleged to have attempted to murder a Captain R F Maritz in order to avoid arrest.

When the trial commenced the men pleaded guilty to undergoing military training. The court heard that they twice visited an arms cache allegedly established in Mamelodi, Pretoria, by Klaas de Jonge, a former detainee and Dutch national presently sheltering in the Netherlands embassy. (*See trial of Passtoors, FOCUS* 65).

On 24 July Mahlangu and Gebashe were convicted on two counts of 'terrorism' plus armed robbery and attempted murder. They were each sentenced to 25 years' imprisonment. (*Work in Progress, May* 1986; *CP* 20.7.86; *DD* 26.7.86; *BBC* 29.7.86)

MATOSA

Petros Zanemvula MATOSA (25) was sentenced to eight years' imprisonment in the Welkom Regional Court on 11 July. Matosa, described in the press as a 'self-confessed member of the ANC' was convicted on four charges of 'terrorism' and one of escaping from custody. No other details appeared. (*Star* 12.7.86)

NKOSI

Edmund Sipho NKOSI (28) was sentenced to an effective 10 years' imprisonment on 15 September after being convicted under the Internal Security Act by a Johannesburg regional magistrate. Nkosi, who left South Africa as a youth of 19 after the Soweto uprising, pleaded guilty to two charges of 'terrorism'. He admitted undergoing military training with the ANC in Angola, Zambia and the German Democratic Republic between 1978 and 1982. The other charge related to his return to South Africa to establish safe houses for arms caches and to recruit and train ANC members. He admitted knowing the whereabouts of arms and explosives in Soweto. Nkosi was said to have returned to South Africa in December with 13 other armed men. He was detained on 7 January 1986. Nkosi, from Senaoane in Soweto, was sentenced to seven years on the first charge and ten years on the second, to run concurrently. (*Star/DD* 12.9.86; *BBC* 17.9.86)

RADEBE

Jeffrey Thamsamqa RADEBE (33) was sentenced to 10 years' imprisonment in the Johannesburg Regional Court on 30 July after being convicted of 'terrorism'. He faced alternative charges of furthering the aims of the ANC and undergoing military training.

Radebe, who came originally from Kwa-Mashu in Durban and left South Africa in 1977, was detained in Soweto on 6 April 1986, reportedly his first day back in the country. Radebe, a graduate in international law and the holder of a UN refugee passport, said he had returned for personal reasons. It was stated that he joined the ANC in 1982 and underwent military training in Angola. He pleaded not guilty to all the charges. (*Star/CT/DD* 31.7.86)

OTHER TRIALS

EFFECT OF STATE OF EMERGENCY

The State of Emergency has indirectly affected the conduct of political trials in a number of ways. Emergency detentions coincided with a marked increase in bail forfeitures and arrest warrants in the period under review. Newspapers reported the non-appearance of 80 defendants. Their whereabouts were in most cases unknown to their lawyers, although many voiced the suspicion that they had been detained under the emergency regulations.

The response of the magistrates – the provisional 'estreatment' of bail, the issue of provisional arrest warrants and sometimes both – put the onus of locating the defendants by a given date onto defence lawyers. This usually proved impossible, although in the case of two teachers due to appear before a Goodwood magistrate on 13 July their lawyer was able to tell the court that they were being held at the Victor Verster Prison in Paarl. The magistrate then instructed the prison authorities to produce them in court a month later. (DD 20.5.86, 14.7.86)

In the case of detainees who were brought to court to face charges under the emergency regulations, the Democratic Lawyers' Association reported that it knew of nine cases of defendants in Durban being asked to plead without legal representation. This included two minors who were convicted. The prison authorities had the names of three lawyers concerned with these cases but failed to inform them when court appearances were due. The President of the Natal Law Society commented that 'it was an unfortunate aspect of the law that police and magistrates were not compelled to advise people facing charges that they had the right to legal representation.' (S Trib 24.8.86; S Star 24.8.86)

So many defence lawyers were detained under the emergency regulations that in July the Law Societies of the Cape, Transvaal and Natal sent a delegation to discuss their position with senior police officers and the Commissioner of Police. But by September the Association of Law Societies was itself under fire for failing to take adequate action on behalf of detained attorneys. Its secretary was criticised for expressing himself 'satisfied with the *bona fides* of the Commissioner of Police' and the 'assurances' he had been given about the fate of defendants whose lawyers were detained and about the right of access of other lawyers to their professional colleagues in detention. (DD 17.7.86; RMG 7.9.86)

In the most publicised case two Cape Town lawyers were detained at Worcester Magistrates' Court on 19 June while defending 38 people accused of public violence. But allegations that Mohammed Anwar ALBERTUS, an advocate, and Trevor Vernon DE BRUYN, an attorney, had contravened the emergency regulations were withdrawn on 4 August after affidavits had been filed in the Cape Town Supreme Court. These stated that at the time of the arrest police had prevented de Bruyn from handing filmed evidence of police violence at Nkqubela (near Robertson) to a third member of the defence team. Albertus gave notice that he would be taking civil action against the Minister of Law and Order for wrongful arrest and *crimen injuria*. (CT 26.6.86, 5.8.86; CP 10.8.86)

Lawyers defending township residents on charges arising from unrest were placed under a

new constraint in August. The Defence Minister, General Magnus Malan, announced that he would deny them access to documents relating to the availability to the South African Defence Force of weapons, ammunition and unrest control equipment and their operational instructions. (CP 17.8.86)

The Minister of Justice, Kobie Coetsee, admitted that there had been 'a dramatic increase' (estimated at one-third by a local newspaper) in the workload of the courts in the Eastern Cape because of the 'extraordinary circumstances' arising from 'political upheaval.' According to the Attorney-General of the Eastern Cape, there were not enough courts or legal personnel, 'particularly judges and advocates', to cope. The Supreme Courts in Grahamstown, Port Elizabeth and East London were reinforced with three additional justices, the Attorney-General's office with three additional prosecutors and regional and local magistrates' courts with extra staff. (DD 11.7.86, 14.8.86)

In the Western Cape the Repression Monitoring Group (RMG) produced a report which showed that 'the courts are...being used to attain objectives that in the majority of cases bear little relation to the conviction of alleged perpetrators of "crime".' In a reference to restrictions imposed under the emergency regulations it added: 'The emergency, however, prevents us from stating what we see as the real reasons for these trends.'

The RMG's conclusion was based on an analysis of the fate of the 238 defendants assisted by its Relief Office since September 1985. Only 32 had been convicted, including eleven out of the 63 under the age of 18. This led the RMG to conclude also that 'a large number of juveniles are being arrested, charged and held for varying periods of imprisonment in circumstances where in 83.9 per cent of all cases it subsequently transpired that insufficient evidence existed to secure a conviction.' (RMG 10.8.86, 17.8.86; CT 21.8.86; Star 27.8.86)

JAIL SENTENCES

Early in September the Government's Bureau of Information began to increase details in its daily bulletins about sentences or people convicted of public violence, emphasising the severity of such sentences even in the case of juveniles. In its bulletin of 22 August, while claiming only sporadic outbreaks of unrest, the Bureau promised that 'a large number of court cases would be brought in the coming months,' 29 of them on the East Rand alone. On 3 September the Bureau claimed that in August 22 people – many of them under the age of 18 – were jailed for periods of up to 15 years for offences of public violence, assault, murder and possession of explosives. Press reports indicate that since the introduction of the present State of Emergency in June, 195 people have been sent to prison for unrest-related offences. (DD 23.8.86, 5.9.86; Star 27.8.86; CT 4.9.86)

MURDER TRIALS

In the two months to mid-September eleven trials involving charges of murder, attempted murder and culpable homicide were reported as completed in the press, while proceedings continued against 347 people, including at least 63 juveniles, in another 22 cases: nine in the Transvaal, six in the Eastern Cape, five in bantustans and two in the Western Cape.

After a three-day trial an unnamed 16 year old boy was jailed for 12 years on 20 August in the Port Elizabeth Supreme Court for his part in a 'necklacing' at Swartkops in October 1985. Few other details were reported. Twelve days earlier in the same court Butisi Damani MALEDI (21) and Mzimkulu SIMAMA (18) were each

jailed for 14 years, a youth aged 15 for 12 years and another aged 17 for 10 years after being convicted of the killing of a teacher at Bongweni in April 1985. (CT 22.8.86; Star 4/9.9.86; DD 9.9.86)

In the Cape Town Supreme Court three men and a youth were convicted on 8 September of the murder of a community councillor, Patrick Marenene, in the Oudtshoorn township of Bridgton in November 1985. Patrick MANGINDA (23), Desmond MAJOLA (27), and Dickson MADIKANE (26) were all sentenced to death. Sentencing of the unnamed youth, aged 16 years, was postponed for a probation officer's report. One of the state witnesses was said by the defence to be a paid police informer who under cross-examination admitted testifying for the prosecution in at least one other case and earning money by dealing in drugs. (Star 6.8.86; S 6.8.86; CP 10.8.86)

Four men were fined and given suspended prison sentences of one year in the Benoni Regional Court on 12 August for the culpable homicide of a businessman and former mayor of Daveyton, Joseph Tau, who died after being assaulted in May. They were Daniel ZWANE, his younger brother Jerry, Michael MDAKANE and David MKHIZE. A fifth man was acquitted. (S 13.8.86)

In the case arising from the murder of a plainclothes policeman during a Muslim funeral at Salt River in September 1985, the State announced in the Cape Town Magistrates' Court that it was withdrawing charges against Adenaar BATCHELOR (30), Albert ALEXANDER (32) and Adenaar BESTER (22) (FOCUS 62 p.9; CT 27.6.86)

EMERGENCY PROSECUTIONS

Amongst early prosecutions under the emergency regulations were two involving a total of 56 students from six Cape Town high schools. They were charged with contravening a regulation by being off school premises during school hours on 14 July. However, the charges against Cederick CUPIDO (18), Peter KRUGER (20), Andre VAN DEN BERG (19) and 31 juveniles were dropped in the Bellville Magistrates' Court on 14 August and against Mark BOOYSEN (19), Colin SIEBRITZ (18) and 21 juveniles in the Goodwood Magistrates' Court on 19 August. (CT 17.7.86, 20.8.86; Cit 17.7.86)

Twenty one students, mostly women, from the University of KwaZulu appeared in the Mtunzini Magistrates' Court towards the end of July, following their detention on 16 June. There was no information about the charges they faced. They were released on bail of R500 and were due to reappear on 19 September (CP 27.7.86)

After 15 days in detention two University of Cape Town students, John ZACHARIDES and Arona DISON (a voluntary worker at the RMG's Relief Office), were due to appear in a Cape Town court on 29 July accused in connection with the distribution of UDF pamphlets. (RMG 27.7.86)

ACQUITTAL

A total of 346 people were reported to have been acquitted or otherwise released in 13 trials arising out of popular resistance. Among them were ten men, one woman and two minors accused of public violence shortly before police hidden in crates on a truck shot dead three children at Athlone in October 1985. They were acquitted in the Wynberg Regional Court on 8 August after the defence proved that there was no evidence that they threw stones or were even at the scene. (DD 9.8.86; GN 9.8.86)

BANS AND RESTRICTIONS

STATE OF EMERGENCY

ACTIVISTS BANNED

By September 28 people, mostly trade union officials, were reported to have been served restriction orders on their release from detention under the emergency regulations.

The orders are similar to banning orders under the Internal Security Act and are provided for under Section 3 of the emergency regulations, which empowers the Minister of Law and Order to impose conditions on the release of anyone detained under the regulations.

The conditions apply for as long as the emergency remains in force and need not be published in a *Government Gazette*, as is required with bans under the Internal Security Act. The penalty for contravention is a fine of up to R20,000 or imprisonment for up to ten years - possibly without the option of a fine. Sixty eight people were restricted in this way under the last State of Emergency. (FOCUS 62 p.11, 63 p.8, 64 p.8; GG 12.6.86)

Details of individual orders were not always reported. However, the most frequent restrictions included a ban on attendance at any meeting where government policy was discussed or criticised; confinement to a magisterial district; and a prohibition on entering educational premises. Many were banned from speaking to the press, contributing to any publications or participating in the activities of particular organisations.

Those affected included: Dr Wolfram KISTNER (63), (head of the Justice and Reconciliation Commission and assistant general secretary of the South African Council of Churches); Rev Mfaniseni NDWANDWE, (Bishop Suffragan of Johannesburg); Rev Petrus KOLISANG; Rev Simon MASOPHA; Elijah BARAYI, (COSATU President); Rae LAZARUS, (General Workers Union organiser); Joyce SEDIBE, (Council of Unions of South Africa organiser); Daniel SAMELA, (Chemical Workers Union national organiser); Alex MAHLATJIE, (Transport and Allied Workers Union president); Donsie KHUMALO, (COSATU Northern Transvaal secretary); Lolo DITSHEGO and Justin RABOTHATA, (General Workers Union organisers); Jerry THIBEDI and Petros TOM (Metal and Allied Workers Union); Elizabeth ERASMUS (Clothing Workers Union); Liz ABRAHAMS (Food and Allied Workers Union); trade unionist Sandile NONGXA; Dr Rashid SALOOJEE, (UDF, Transvaal Indian Congress); Rev Abe VISAGIE, (Midlands Council of Churches organising secretary); two students at the University of the Witwatersrand, Claire WRIGHT (23), (Students' Representative Council president) and Dali MPOFU (24), (Black Students' Society chairman); Bus-

isiwe MABUZA, a student at the University of the North; Llewellyn McMASTER of the University of the Western Cape; Mike LOEWE, (End Conscription Campaign); Sandy STEWART, (Black Sash); John SMITH and Dudley VAN HEERDEN, Eastern Cape lawyers; and Joe MONCHOSI (Ikageng Civic Association). (WM 11.7.86; CT 22.7.86; Star 2/19.8.86; CP 10.8.86; S 21.8.86; Star 4/12.9.86; CT 9.9.86; RMG 8-14.9.86)

ORGANISATIONS CURBED

A legal victory undermining emergency powers to curb resistance was swiftly reversed by President Botha on 1 August.

While the emergency regulations promulgated on 12 June created the extensive general powers of arrest, detention and censorship outlined in the last issue of FOCUS, the day to day deployment of the regime's forces under the State of Emergency was largely dependent on specific orders issued by Divisional Commissioners of police in command of the 19 Police Divisions and commanding officers in the non-'independent' bantustans. By the end of July over 100 such orders had been published in 17 issues of the *Government Gazette*. (Star 1.8.86)

Covering virtually every part of the country, and focussing with the greatest intensity on black townships, the orders controlled or prohibited almost every facet of resistance and organisation. They reflected the nature of the challenge to the regime and its own objectives in declaring a State of Emergency. They sought to inhibit every form of mobilisation by restricting movement and preventing popular organisations from functioning. Some are specifically related to the regime's attempt to regain control of black schools. (See EDUCATION under STATE OF EMERGENCY)

Typically the divisional orders included some or all of the following:

- In black townships in the affected divisions there were restrictions on funerals of victims of the regime's actions; control over the movement of people not resident in the townships; curfews on residents of townships; and control of school boycotts. (See FOCUS 66 p.3)
- In magisterial districts as a whole, listed organisations were prohibited from holding meetings. In the first weeks of the State of Emergency, for example, orders issued by the Commissioners of six Police Divisions in the Cape, Orange Free State and Transvaal contained lists of organisations totalling almost 300 which were prohibited from organising or holding meetings. Some of the organisations were national ones, but the great majority were regional or local community-based organisations. In some areas residents of townships were prohibited from possessing any emblems or objects, including T-shirts, which expressed

support for listed organisations. In the Western Cape the officers of 123 organisations were prohibited from even making statements.

In the context of the more general emergency powers, these divisional orders were powerful weapons in the regime's attempt to halt and then reverse the advances being made in the extension and consolidation of the forces of liberation. For this reason Supreme Court rulings invalidating the orders issued in three Divisions appeared to make significant inroads into the regime's powers.

On 28, 29 and 30 July the Rand, Grahamstown and Cape Supreme Courts responded to applications by the UDF in the first two cases and COSATU in the third, by declaring invalid a clause in the Emergency Regulations of 12 June. Regulation 7 contains a clause delegating legislative powers to the Commissioner of the South African Police and 'anyone authorised by him'. This last phrase was ruled invalid on the grounds that the law did not allow delegated legislative powers to be delegated to a third party.

The immediate consequence of these rulings was that the orders issued in three divisions had to be lifted, but by implication the orders in all divisions and in the non-'independent' bantustans, had been rendered invalid. However within days a new regulation was issued by the State President, with retrospective effect to 12 June, explicitly conferring the power to make orders to Divisional Commissioners of Police and to officers in command of police forces in the non-'independent' bantustans. (Star 2.8.86)

WINNIE MANDELA

A spokesman for the Minister of Law and Order confirmed in July that all restrictions on Winnie MANDELA had been lifted. Her name did not appear in lists of people restricted under the Internal Security Act published in the *Government Gazette* on 4 July. However, the spokesman said that journalists should obtain legal advice before quoting Mandela as it was a 'complicated matter'.

Earlier in the year several banned people successfully challenged the validity of their bans. In April the ban on Mathata TSEDU was lifted, and it was unclear whether the bans on Mandela, Abel DUBE and Modika TSATSA were still in force. The July *Government Gazette* contained no lists of persons restricted from attending gatherings or confined to their magisterial districts. (S 15.4.86; GG 4.7.86; CT 8.7.86; see FOCUS 63 p.8, 64 p.8)

The announcement followed a week-long set of special restrictions served on Mandela on 16 June by the divisional commissioner of police in Soweto, in terms of the emergency regulations. The restrictions banned Mandela from leaving her Soweto home from 6pm till 8am and from speaking to the press while in the Transvaal. (DD 17.6.86)

PRISONS

RELEASES

The following people have been released from prison in recent months.

- Ephraim MOKALE (26), David Buti MOYO (26) and Daniel MPHUTHI (38) were released from Robben Island prison on 13 May. Mokale was released after four years and ten months of a five year sentence for importing illegal pamphlets. Moyo after serving more than four years of a five year sentence for furthering the aims of the ANC. Mphuthi after nine years and nine months of a twelve year sentence for sabotage (CT 16.5.86, S 21.5.86)

Four other prisoners - named in the last

issue of FOCUS - were released before the end of their sentences during the same week. The date of their release was incorrectly given as 30 May.

- Tseliso Solomon PHOFU (31), a former official of the banned South African Students Movement, was released in August after spending eight years in jail for sabotage. He spent six years on Robben Island and two years in Heidelberg Prison in Caledon. He was accused of burning government buildings during the 1976-77 unrest and of possessing banned literature. (Star 5.8.86)

- Tenda Mudzima (Robert) RATSHITANGA was released from prison in the Venda bantustan on 11 April. He spent two years and one month of a five year sentence in

prison and was released after a successful appeal against both his conviction and sentence.

Ratshitanga, a poet, was sentenced in March 1984 in the Sibasa Regional Court after being convicted under the Terrorism Act for allegedly harbouring ANC guerillas. (S 6.5.86; see FOCUS 53 p.4)

- Four political prisoners were released from Robben Island in mid-September. No details were given of the charges on which they were convicted or of the lengths of their sentences. The four are Vuyani BOBO (31), Mduduzi Richard SHABALALA (21), Lindani MNCUBU (23) and Daniel Nhlahlhla MASINGA (21). (Star 13.9.86)

INSIDE NAMIBIA'S PRISONS

In a period which has seen an increase in the number of political trials and political prisoners, there is still very little information available on prison conditions in Namibia. Interviews with former prisoners and occasional statements by the authorities indicate that life is very harsh for long-term political prisoners. In September political prisoners in Windhoek made their own protest by going on hunger strike. The vast majority of Namibia's political 'prisoners' are however detained without trial, many of them held at secret interrogation centres and military bases with only a remote chance of their cases receiving publicity.

In March a spokesman for the Prisons Department confirmed that prisoners are divided into categories A-D. Class A prisoners, who are chosen for their 'behaviour and co-operation', receive rights which are denied to other prisoners. They are entitled to two 30-minute visits a month with two people and may spend R48 per month on toiletries, food and reading newspapers. They may also acquire a radio and get newspapers.

This statement came as the result of inquiries into the case of a SWAPO prisoner, Sam MUNDJINDJI, who is serving a twenty-four year sentence. He had subscribed to *The Namibian* newspaper but had not received any copies. Newspaper reports said convicted prisoners were forbidden to receive any items other than a bible and clothing for their release. No details were given of the visiting rights of Class B, C and D prisoners. (Nam 27.3.86)

NEWSLETTER BANNED

A further restriction on reading matter was announced in May when the Commissioner of Prisons announced that the Roman Catholic Church's monthly newsletter, *Omukuni* was no longer to be distributed in any of the country's prisons. This decision, conveyed to the church authorities by the chaplain at Windhoek prison, was made under the terms of the Prisons Act, which does not require reasons for the action to be publicised. The editor of the newsletter, Erasmus HANDUBA, who was recently charged in the South African courts with possessing banned literature, strongly condemned the ban.

Heinz Stegmann, Provincial of a major Roman Catholic order, declared, 'This proves that...they do not want people to know what is happening in Namibia.' Another protest came from the Namibian Catholic Youth League of the North. (FOCUS 66 p.10; Nam 23.5.86, 27.6.86)

Difficulties faced by those in custody trying to communicate with the outside world were highlighted in May when a Catholic priest appeared in court charged with smuggling letters out of Windhoek prison for a political detainee. Fr Adelino SHALOKANE was bailed to appear again on 18 July. Police searched his home in Katutura but were reportedly barred from enter-

ing his office at the church by church officials. (WA 6.5.86)

On 19 September twelve convicted political prisoners in Windhoek prison began a hunger strike, demanding an improvement in their conditions. They stated that they were allowed only one incoming and one outgoing letter per month plus one visit of 30 minutes. They demanded unlimited correspondence and visitation rights, access to radio and television, permission to purchase groceries and adequate exercise. Those participating in the action were known to include the seven men sentenced in February as well as Sam Mundjindji and Veiko Paulus NGHITWA. On the thirteenth day of a water-only diet the men ended their strike after their grievances were referred to Windhoek's chief magistrate.

Although the prison statement implies that bibles should be available without restriction, different information was given by Ida Jimmy who was released in October 1985 after serving a five-year sentence. While in prison she completed a two year correspondence diploma in bible studies and was recommended by her college to teach fellow prisoners. However, the prison matron banned this and the women were forced to study in secret at night, using bibles which had been smuggled in by a sympathetic social worker.

Ida Jimmy revealed many other details of her life in prison when addressing a church conference in the Netherlands in May. It was clear that she remained defiant in spite of attempts by the authorities to break her spirit. At first she was held in solitary confinement but shortly before the birth of her son (two months after her prison sentence began) an intervention by the International Red Cross led to her sharing a cell with two other women. These non-political prisoners had been warned not to associate with her at the risk of receiving additional sentences.

Her labour began in the evening but as her cell-mates were too scared to call out and she had no means of attracting the warders' attention except by screaming, she remained without help until morning. In her own words, 'I could not beg for any help from them...they tried to inflict psychological torture on me.' After three days at a clinic for the birth of the child she returned to prison and prison work. Although still weak she was forced to perform her 'duties' without which she would not qualify to receive any food.

PSYCHOLOGICAL TORTURE

Further evidence of psychological torture was demonstrated throughout Jimmy's imprisonment. Although initially informed that her son, Konjeleni Richard, could stay with her until her release, when he was 18 months old she was told: 'Today the child has to leave the prison.' Jimmy asked the authorities to contact her mother, who lived some 800 km from Windhoek in Luderitz, but they lied, saying she had 'refused to take a child of a political prisoner.' After that she told them they would have to take her son from her: 'I was not going to give the child to them.' In fact, her sister paid her a visit at about that time and took the child away with her. He died a year later having been able to visit his mother only once.

namibia

The authorities told Jimmy she could attend her son's funeral but it turned out that this offer was conditional on her signing a letter from the Administrator General appointed by the South African regime to rule Namibia. She refused to compromise and was subsequently denied permission. She suffered a nervous breakdown on the day of the funeral resulting in partial paralysis of her left side. One of her first acts after her release was to visit her son's grave.

Jimmy stressed that all prisoners, not only the political ones, suffered in prison. It was a point also emphasised by Hean GUTHE WETE after his release in 1984 (see FOCUS 66 p.2). Medical care was inadequate with a possible three day delay before getting help. Furthermore she described the doctors as 'indifferent' and sometimes not properly registered. As she put it, 'the condition of apartheid in fact is worse and exacerbated in the conditions of the prison'. Criticisms of discrimination in prison conditions were made public in 1985. It was stated that black prisoners were made to do the washing for white inmates who in turn received better food, more favourable visiting times and different clothes. (WA 9.26.86)

RELEASED PRISONERS

Political prisoners continue to face difficulties in prison as well as economic hardship after their release from prison. In March 1986 Ida Jimmy's house was raided in the middle of the night by a force of more than 40 troops (police counter insurgency troops) along with members of the Security Branch. While searching the house they broke her gas stove. The Council of Churches in Namibia has a special programme to assist ex-political prisoners and detainees within its Social Welfare Unit. Commenting on the need for help a recent report said, 'employment of former political prisoners or detainees is a very rare phenomenon in Namibia' (Information May 1986)

Information on conditions prevailing in police cells came out following the arrest of a large number of SWAPO supporters in August and September 1985 and again in January 1986. Anton Lubowski, a prominent lawyer, was amongst those held and he denounced the 'shocking conditions' faced by awaiting trial prisoners at Kaiser Street police station, Windhoek.

There were no beds or bunks but only a limited number of thin mats available on a first come, first served basis. Lubowski reported that some people held in the Katutura cells had only one blanket on a concrete floor. Sanitary facilities were grossly inadequate. (WA 9.10.85)

Fifty eight SWAPO members and supporters held for a day on 27 January 1986 after the police brutally broke up a SWAPO Youth Rally for Peace issued a press statement about the treatment. It stated 46 people were crowded into a cell measuring six metres by four metres. Lights were kept burning throughout the night but the prisoners were provided with no food or drink, no towels, toilet paper or washing facilities, no beds or mattresses but only a few rags for a covering. Their shoes, watches and spectacles were confiscated. Those who had been seriously assaulted and were in pain were only taken to hospital after protests. (Nam 31.1.86, WO 1.2.86)

STATE REPRESSION

Two recent actions by President Botha clearly demonstrated that in spite of attempts to portray the Multi Party Conference administration as the governing authority in Namibia, real power remains with South Africa, the occupying force. In July a storm of protest greeted his decision to halt the trial of four South African Defence Force (SADF) soldiers facing charges of murder. The following month, as lawyers sought to challenge the validity of the Terrorism Act under which eight alleged SWAPO supporters were being tried, he amended the very proclamation by which the administration had been inaugurated.

HEITA AND OTHERS

The trial of Andreas HEITA and seven others on charges under the Terrorism Act was delayed until September when the men appeared in the Windhoek Supreme Court on 18 August. No pleas were demanded from Heita, Salom PAULUS (27), Andreas Gideon TONGENI (23), Matheus GABRIEL (Gabriel MATHEUS) (23), Martin AKWEENDA (23), Johannes NANGOLO (33), Petrus Kakede NANGOMBE (23) and Sakarius Balakius NAMWANDI (18).

The case was postponed at the request of the defence who required more time to study the charge sheet. Press reports stated that there were over 180 counts of 'terrorism' listed, covering the period February 1979 to October 1985. The accused are alleged to have participated in acts of sabotage and 'terrorism' in both the north of Namibia and the capital, Windhoek. It is claimed that they induced the co-operation of the local population, some of whom they trained in the use of weapons and explosives.

Defence lawyers planned to challenge the

validity of the Terrorism Act under which the men were charged, on the grounds that it conflicted with the Bill of Rights contained in Proclamation R101 of 1985 which inaugurated the MPC administration. An annexure includes the right to a fair trial and protection from arbitrary detention and torture. A similar challenge during the trial of Frans ANGULA and six others, in February, was dismissed by Justice Strydom. (See FOCUS 64 p.9) The defence said it would request that a full bench of the Supreme Court be convened to decide the issue.

Before argument could begin in court, however, the State President issued Proclamation 147 of 1986 which amended Proclamation R101 in two significant ways. It restricted the section referring to fundamental rights by an addition including the words: 'This Proclamation shall not be construed as entitling any person to claim as a fundamental right the power to establish a government in any manner other than a peaceful and democratic manner...'. More significantly, it amended Section 19, on the Validity of Laws, by the following: 'No court of law shall be competent to enquire into or pronounce upon the validity of any act of the Parliament of the Republic of South Africa enacted before or after the commencement of this Proclamation.' The Terrorism Act would fall under this prohibition as it is an act of the South African legislature extended to Namibia.

In spite of the new proclamation defence lawyers opened their case by challenging the law. The judge promised to rule on the matter by 29 October. (WA 8.9.86; Nam 12.9.86; WO 13.9.86)

NEW TRIAL

Jonas INASHIPUA appeared in the Windhoek Supreme Court in August charged with causing two bomb explosions in Tsumeb in 1985. He was not asked to plead and was remanded in custody until 4 November. The postponement was at the request of the defence. (Nam 15.8.86)

SADF MURDER

Few South African soldiers are called to account for their actions in the northern war zones of Namibia even when these lead to the injury or death of civilians. However when Frans UAPOTA (48), a father of five and a member of the Roman Catholic church, was killed in November 1985, his wife Victoria MWEUHANGA publicised the case and sought redress in the courts.

Uapota, who was on leave from his job in Windhoek, was visiting friends in his home village of Embo, northern Namibia, when the place was raided by an SADF patrol. Everyone was ordered to lie down, whereupon they were variously trampled, beaten or kicked. Uapota was blindfolded before being beaten more seriously and then dragged in an almost lifeless state to nearby bushes. His wife was prevented from seeing what happened next by a soldier holding a gun at her head. The following day police brought back her husband's body for identification. She was able to discern a clear mark around the deceased's neck, similar to that which a rope would leave'. (WO 2.8.86)

The four soldiers involved, named as D F Esselen, J Fernando, C J Harmse and F J Herps appeared in court in June after Mweuhanga had laid a charge of murder. However, in July, a certificate in terms of the Defence Act ordered the proceedings to be halted. Under Section 103 members of the SADF are granted indemnity from prosecution for actions committed 'in good faith' and 'for the purposes of the prevention and suppression of terrorism in an operational area'. The certificate was issued on the orders of President Botha by the MPC administration which sought to distance itself from the unpopular move, saying it had no choice in the matter. On 20 August the Commission for Justice and Peace of the Catholic Church stated: 'Herewith the interim government has clearly recognised and publicly confessed its role as a South African puppet'. (NCC 20.8.86)

EDUCATION CONFLICTS SHARPEN

Growing dissatisfaction with the Namibian education system is reflected in continuous conflicts in schools and other educational institutions. The Namibia National Students' Organisation (NANSO) is leading a campaign against what it terms 'colonial and racist education' and its members are facing increasing victimisation. Opposition to the activities of the South African armed forces in schools is hardening.

There have been numerous cases of 'unrest' in schools in recent years, not all of which have been reported. The proceedings of an inquest held over a year ago into the death of a school boy from the southern town of Uis, which were only made public in July this year, disclosed that a serious confrontation between police and students had taken place at the Uis high school. According to the inquest report, pupils had become riotous and held a demonstration over unspecified grievances in the schoolyard. The police were called in and two policemen opened fire with G 3 sub machine guns, killing one of the pupils, Eric Isaaks. The inquest court did not arrive at any conclusion to the case, and no further information has been made available. (WO 26.7.86)

Earlier this year demonstrations took place

at Augustineum Training College in Windhoek and the school was temporarily closed. Student protests also led to the closure of the Academy for Tertiary Education in Windhoek and the Khomasdal Teachers' Training College. (FOCUS 65 pp 1-2)

Discontent arising from specific educational grievances as well as broader political issues appears to be growing at the Academy for Tertiary Education and Augustineum College. After conflicts with the administration over the rights of students to organise and run their own affairs, the Student Representative Council (SRC) at the Academy resigned at the end of August. They accused the administration of refusing to consider a new SRC constitution drawn up by the student body, which would have opened the way for the official recognition of NANSO. (WA 22/28.8.86)

At Augustineum, the introduction of new rules in the dining halls led to student protests and the expulsion of 11 pupils. Despite student pleas, the governing School Committee refused to reinstate the 11. The expulsions were later confirmed by the 'cabinet' of the South African installed administration in Windhoek, which has overall responsibility for the Department of National Education. A spokesman for the administration stated that the expelled pupils 'had influence' over other students and had 'urged them to go on strike'. (Nam 22.8.86, 12.9.86)

In August class boycotts took place at the Caprivi Secondary School in Katima Mulilo, resulting in its closure and occupation by the army. Students began the boycott to demand the return of Simon SISAMU, a pupil who was taken away by the bantustan authorities for questioning about his connections with NANSO. Earlier another student associated with NANSO had been given 12 lashes, allegedly for breaking a window. The school reopened after a week, but 57 students were suspended and prevented from attending classes. Most of those suspended were reported to be NANSO members. The closure coincided with the anniversary of a boycott at the school in 1985. (Nam 15/29.8.86)

Interference by the army and police in schools is a continuing source of conflict, particularly in the north of the country where the war is most intense. Students have complained about film shows being shown in schools by the Etango movement, a 'cultural' front for the army. The films encourage students to join the army and put across the views of the South African administration in Namibia. Pupils have also protested at the use made of school registers to recruit or conscript young men into the occupation armed forces. Increasing opposition to the army has been reflected in resistance to the paramilitary cadets programme which operates in some black schools. (Nam 25.7.86, 5.9.86; WO 9.8.86)

THOUSANDS AT RALLIES

A series of mass rallies organised by SWAPO have been attended by tens of thousands of Namibians demanding the immediate implementation of the UN plan for Namibian independence.

The public meetings, the first legal SWAPO gatherings inside Namibia for five years, were made possible by a ruling in the Windhoek Supreme Court at the beginning of July. Dismissing charges against three SWAPO leaders, the Supreme Court judges ruled that SWAPO was not banned from holding meetings under the Notification and Prohibition of Meetings Act. Previously SWAPO meetings have been broken up by the police, and the organisers prosecuted under the Act. All charges still outstanding against SWAPO members and supporters in connection with meetings during 1985 and early 1986 have now been withdrawn. (Nam 8.8.86)

A crowd variously estimated at between ten and twenty five thousand attended a SWAPO rally in Katutura, near Windhoek, at the end of July. Police kept a low profile, although a private aircraft hired by the South African Defence Force flew over the rally taking photographs.

The gathering was addressed by several SWAPO leaders including the Vice-President, Hendrik Witbooi. He was greeted with loud acclaim when he demanded that UN Resolution 435, the plan for Namibian independence, should be implemented, failing which sanctions should be imposed on South Africa. 'If we have to suffer sanctions for our liberation then we are prepared to', he said. He also expressed SWAPO's full support for the Ai-Gams Declaration which unites a number of church,

women's, youth and political groups in Namibia behind Resolution 435. (Nam 1.8.86)

Before the legalisation of SWAPO meetings, church and other organisations affiliated to the Ai-Gams declaration organised a number of public rallies in different parts of the country to demand the dissolution of the MPC administration and the implementation of Resolution 435. These activities have continued in parallel to the SWAPO meetings, and a petition has been circulated condemning the MPC administration and demanding '435 Now!' (Nam 29.8.86, 5.9.86)

NAMIBIA DAY

A second large SWAPO rally was held in Katutura on 24 August to mark Namibia Day, which falls on 26 August. This commemorates the launching of the armed struggle by SWAPO twenty years ago. In a massive show of defiance, over six thousand people, many dressed in SWAPO colours, gathered to express their support for the liberation struggle. Youths with mock wooden rifles paraded to chants of 'SWAPO will win' and to freedom songs praising the People's Liberation Army of Namibia (PLAN) which is fighting against the South African occupation forces. (WA 25.8.86; S 28.8.86)

A message from SWAPO President Sam Nujoma was read out to the crowd, in which he said that Namibians should unite and call for a national strike unless South Africa abandoned its resistance to the implementation of Resolution 435. Speakers pointed out that the Namibia Day meeting was an act of rededication to the liberation struggle. One of the SWAPO leaders who addressed the gathering, Mokedi Tihabanello, stated that it was not SWAPO who had started the war, but the German and South

African colonists, who had exterminated tens of thousands of Namibians. However, on 26 August 1966, 'SWAPO had said enough is enough' and had taken up arms. (Nam 29.8.86)

To mark the 20th anniversary of the armed struggle, SWAPO issued a statement in Luanda reporting on the activities of PLAN. It said that 1986 had 'witnessed the most intensive military activities by PLAN soldiers since the launching of the armed struggle'. A total of 59 major sabotage operations and 42 assaults on bases and installations had been carried out during the first half of the year, and more than five hundred and fifty enemy troops had been killed. (MS 26.8.86)

Namibia Day commemorations were also held in Lusaka, where the tenth anniversary of the UN Institute for Namibia was celebrated. The event was attended by a delegation of prominent white Namibians who held discussions with President Nujoma about the future of Namibia. A number of whites were also present at the two Katutura rallies, where appeals were made for white Namibians to join SWAPO and fight for independence. (DN 27.8.86)

SWAPO rallies also took place in other parts of Namibia. A meeting in Gibeon was addressed by the SWAPO Secretary of Health and Social Welfare, Pastor Zephania KAMEETA, and Youth League leader Jerry EKANDJO, while at a SWAPO Youth League rally in Okahandja, calls were made for an end to conscription into the South African occupation forces. A meeting in the coastal town of Swakopmund was addressed by one of the founders of SWAPO, Eliaser TUHADALENI, who was released from long-term political imprisonment on Robben Island last year. (Nam 5.9.86)

MEDIA CONTROLLED

During the first half of 1986 newspapers criticising the Multi-Party Conference (MPC) administration or the South African occupation of Namibia have suffered harassment by the authorities and been attacked by unidentified right-wing groups.

In February MPC officials accused 'a certain newspaper' and its editor of 'fanning the flames of unrest', alleging that it had sought R1 million from SWAPO and the UN Council for Namibia in order 'to bring the transitional government to a fall'. The newspaper concerned was presumed to be *The Namibian*, an independent weekly edited by Gwen Lister. The paper was established in August 1985 and partly financed by a grant from the European Economic Community. It has a policy of editorial independence and commitment to the immediate implementation of UN Resolution 435. (Nam 7/21.2.86; WA 20.2.86; WO 8/22.2.86; CT 21.2.86)

The offices of *The Namibian* were attacked on at least three occasions: in January, May and August. In the first two attacks windows were shattered by ball bearings fired from catapults. In August the offices were the target of an arson attack. Paraffin was poured through one of the windows and set alight, causing extensive damage. Vehicles used by staff have had their windcreens smashed and tyres slashed. (Nam/WO 8.8.86)

At the same time the newspaper is involved in a legal battle to recover a 'good behaviour bond' of R20,000 which it was required to pay as a deposit when the paper sought registration. The return of the bond is expected to be contested

by the security police. (New African, June 1986)

Journalists working on the newspaper have been systematically harassed. In June John LIEBENBERG and Christopher SHIPANGA were briefly detained near Ondangwa by military intelligence officials. The South West Africa Territory Force accused them of having photographed military installations. Charges under the Defence Act were investigated but later dropped. (WA 11.6.86)

Dudley VIALI, also employed by *The Namibian*, Shipanga and a student at the University of Cape Town, Nina CARELSE, were detained overnight by troops in the Kavango bantustan in July. They were later searched and inter-

rogated. (Nam 18.7.86)

The weekly *Windhoek Observer* has also been subjected to harassment. Charges were brought against its editor, Hannes Smith, for contravening municipal by-laws by producing the newspaper in an area of Windhoek zoned for residential purposes. In June he was threatened with prosecution following publication of photographs of weaponry. Restrictions preventing him from freely taking photographs in the harbour of Walvis Bay were issued in March. On 28 June an edition of the *Windhoek Observer* appeared with photographs of the SWAPO mortar attack on Oshakati blacked out, after military officials had advised Smith not to publish them. (WO 7/14/28.6.86)

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NEIGHBOURING STATES FACE ATTACKS

South Africa has carried out renewed attacks against independent Southern African states and has threatened further actions as a result of their increasingly strong stand against apartheid.

ANGOLA

On 9 August the South African 32 Battalion, a specialist unit consisting mainly of Angolan and other mercenaries, attacked Cuito Cuanavale, about 180 miles inside Angola. The town is an important base for Angolan operations against the South African-backed UNITA force which is active in the remote south east. (BBC/WA 13.8.86)

Repeated assaults were made on Cuito Cuanavale, using heavy artillery and armoured cars, but by 15 August the Angolan forces were firmly in control of the town and surrounding area. The Angolan news agency *Angop* stated that 95 South African troops had been killed in the fighting and six vehicles destroyed. Four South African soldiers were captured. The South African Defence Force (SADF) denied any knowledge of the fighting around Cuito Cuanavale, stating that the operations had been carried out by UNITA. (GN/WA 13.8.86; WA 15.8.86, 4.9.86)

The Angolan armed forces were also engaged in fighting against UNITA forces operating in areas to the north of Cuito Cuanavale. Hundreds of UNITA troops were reported to have been killed in August in Moxico province. An Angolan offensive against UNITA which began last year was halted after large scale South African bombing and the onset of the rainy season. UNITA has recently been supplied with military equipment from the United States, reported to include advanced Stinger anti-aircraft missiles and anti-tank weapons. (Angop 20.8.86; Star 23.8.86)

ZAMBIA

As Angolan forces have pushed UNITA towards the eastern border, UNITA activity has spread into Zambia. A number of Zambians have been killed or kidnapped by UNITA troops and constant cross-border raids have been reported. (S Star 14.9.86)

President Kaunda has accused South Africa of being behind the operations, which he said forms part of a wider South African campaign to 'paralyse' Zambia. A number of people have been arrested in Zambia on suspicion of spying

for South Africa. Four of them confessed to have reconnoitered bridges and strategic installations for South African sabotage operations. (WM 29.8.85)

MOZAMBIQUE

MNR forces supplied by South Africa have continued to carry out destructive activities over wide areas of Mozambique, although the security situation has improved in some provinces. In July, the chief of staff of the Mozambican armed forces, General Sebastiao Mabote, stated that overall MNR activity had diminished. (GN 5.7.86)

Addressing the Non-Aligned Movement summit in Harare in September, President Machel stated that South Africa was stepping up its supplies to the MNR in violation of the Nkomati security accord signed with Mozambique in 1984. During August, tons of arms and supplies were reported to have been delivered, and South African aircraft offloaded 'men and war materials' from landing strips established in the central province of Manica. According to the Mozambican authorities, this resupply operation was in preparation for intensified attacks on the Beira corridor. The oil pipeline from Zimbabwe to Beira was reportedly sabotaged on a number of occasions during August. (AIM 15.8.86; CT 25.8.86; Star 4.9.86)

President Machel has also stated that MNR ranks have been swollen by the recruitment of Mozambicans fleeing from MNR activities along the South African border. Thousands of Mozambicans have crossed into South Africa, where they have been settled in camps described by the Mozambique news agency, AIM, as 'centres of forced recruitment into the MNR'. (AIM 1.8.86)

OTHER COUNTRIES

Relations between Pretoria and all the independent countries of Southern Africa have become extremely tense as a result of the increasingly aggressive stance of the Botha regime, and continuing border violations. In July, following a warning by the Minister of External Affairs, Dr Gaositwe Chiepe, that a South African attack was 'imminent', the Botswana Defence Force was put on alert. Extensive road blocks and other security measures were introduced. (S Trib 20.7.86)

South African threats have also been made against Zimbabwe, especially since it has supported international sanctions against Pretoria.

Shortly after Zimbabwe voted in favour of sanctions measures at a meeting of Commonwealth leaders held in August, South African customs officials began systematic searches of trucks crossing the border into Zimbabwe, leading to delays. Similar delays were experienced by vehicles destined for Zambia, which also supports sanctions, and a cash deposit scheme was introduced for goods headed for Zambia. These were widely interpreted as intimidatory moves by Pretoria, but the South African authorities declared that they had simply instituted a 'statistical survey'. (Star 7.8.86; Trib 27.8.86)

In Lesotho, a man reported to be a member of the ANC, Joseph MOTHOPENG, was shot dead in July after an attempt had been made to kidnap him. Another reported ANC member, Simon MAKETHA, was kidnapped a few days later by eight armed men and according to some reports was killed. A Lesotho medical technologist, Mpho MAKETE, reported to be an ANC supporter, and an unnamed woman companion were also shot and killed. (Star 29.7.86; S Trib 14.9.86)

On 26 June, Sidney MSIBI, an ANC refugee, was kidnapped from Manzini in Swaziland and taken to South Africa. Two weeks previously, two other ANC members were assassinated by what the ANC described as 'a South African death squad, using silenced weapons'. In August, a number of raids were carried out on Swaziland from South African territory. Sixteen armed men wearing balaclavas attacked a remote police station where an ANC man, named in one report as Lephath SEDIBE, was being held by the Swazi police for questioning. The raiders tied up the police and removed Sedibe and two other men detained at the station. On previous occasions ANC members being held by the Swazi police have been kidnapped in raids by South African troops.

A second attack on Swaziland occurred when a group of ten heavily armed men crossed the border near Oshoek. They shot and wounded two Swazi nationals, burnt down two houses, and ransacked a residence and the offices of a refugee aid centre in the capital Mbabane. Files containing the names of South African refugees were stolen from the refugee organisation, and a bomb was reportedly found in the offices. The Swazi government reacted strongly, labelling the attack 'inhuman and barbaric'. (ANC Press Release 1.7.86; Star/CT/GN 20.8.86; WM 28.8.86)



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Sources and abbreviations: BBC — British Broadcasting Corporation Survey of World Broadcasts; Cit — The Citizen, Johannesburg; CP — City Press, Johannesburg; CT — Cape Times; DD — Daily Dispatch, East London; Debates — House of Assembly Debates, Cape Town; DN — Daily News, Durban; GG — Government Gazette, Pretoria; GN — Guardian, London; FM — Financial Mail, Johannesburg; FT — Financial Times, London; MS — Morning Star, London; Nam — Namibian, Windhoek; NCC — Namibian Communications Centre, London; Obs — Observer, London; RDM — Rand Daily Mail, Johannesburg; S — Sowetan; S Exp — Sunday Express, Johannesburg; S Trib — Sunday Tribune, Durban; Star — Star, Johannesburg; Tel — Daily Telegraph, London; T — Times, London; WA — Windhoek Advertiser, Namibia; WM — Weekly Mail, Johannesburg; WO — Windhoek Observer, Namibia.