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focus

ON POLITICAL REPRESSION IN SOUTHERN AFRICA

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MAJOR TREASON TRIAL OPENS

The trial of two young men in Pietermaritzburg on charges of high treason (see *FOCUS* 23 p.9) was transformed on 1 August when they were joined by ten other alleged ANC guerillas, all charged with high treason, 43 alternate counts under the Terrorism Act and conspiracy to commit murder under the Riotous Assemblies Act.

The hearing took place in Pietermaritzburg Supreme Court where a special shatter-proof glass wall enclosed the dock. The accused are John SEKETE (24) Tladitsgae MOLEFE (23) Jeffrey LEGOABE (30) Thibe MGOBENI (27) Andrew MAPHETO (20) Bennet KOMANE (46) Titus MALEKA (25) Sydney CHOMA (23) Mandenkosi HADEBE (27) Mandla MTHETWA (22) Vusimuzi ZULU (28) and James MANGE (24). Of these, Hadebe and Mthetwa had previously appeared, changing their plea to not guilty when legally represented. The others first appeared on 16 July in Pietermaritzburg Magistrates' Court.

They pleaded not guilty and the case was remanded to 4 September. When the trial began, the prosecution applied for evidence from certain state witnesses to be heard in camera. The 12 accused, through their defence lawyer, disputed this, and when the judge ruled against them, they dismissed their lawyer and told the court they wished to take no further part in the proceedings. They argued that the nature of a treason charge was a crime against society, yet the public were being excluded from the trial (*GN* 14.9.79)

The charge sheet alleges that the accused recruited people, trained them in the art of warfare, armed them and deployed them in South Africa for the purpose of overthrowing the government. The accused are themselves alleged to have been trained in Angola, at the Engineering, Benguela, Nova Gagenga and Quibaxe camps, in Zambia at the Manabeshe ZAPU camp, and in the USSR at the Pirivali camp in the Ukraine.

They are further said to have attempted to bring rifles into the Msinga area of Natal, to have established arms caches in the Ndumo and Nongoma areas of Natal and to have reconnoitred pipelines at Merebank near Durban in order to commit sabotage. Other allegations concern "subversive activities" in the Transvaal and Cape Province.

The start of the prosecution case related to these 'activities', when reference was made to a clash between two armed guerillas and a police patrol near Zeerust, Transvaal, on 1 August 1978 (see *FOCUS* 20 p.9). Later, it was claimed by police, John Sekete, the first accused, had shown the police various arms hiding places in the Zeerust district during November 1978, after his arrest. Sekete was arrested by Bophuthatswana police and handed over to Maj. Ras of the SA security police after being assaulted. Maj. Ras also told the court of another gun battle on the Botswana border in January 1979, during which one guerilla was shot dead. The man was identified by his fingerprints through the centralised pass-law system as Richard Mapela; the alleged connection

with the accused was not reported in the press. At the time, one man was said to have been captured in the skirmish (*Jhb radio* 14.1.79)

The choice of treason charges for this major trial of alleged ANC guerillas marks a departure from the practice followed since 1967 when the wide-ranging Terrorism Act was introduced for use against those charged with attempting to overthrow the government. Treason charges were last used against 156 Congress Movement supporters in the famous 'Treason Trial' of 1956-61, which ended in the acquittal of all accused. (*NW* 11/17.7.79, 162.8.79, 5/6/7/8.9.79; *Cit* 19.7.79; *DN* 1/6.8.79, 5-8.9.79)

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south africa

SECURITY LEGISLATION UNDER ATTACK

In a move apparently designed to counter growing criticism of South Africa's security laws, the new Minister of Justice Alwyn Schlebusch announced on 29 August that a commission of inquiry had been set up to investigate the country's internal security legislation. The commission, under Justice P.J. Rabie, is to be asked to "inquire into and make recommendations on the necessity, adequacy, fairness and efficiency" of the laws. (*BBC 31.8.79; RDM 30.8.79*)

It is thought that the government may be using the appointment of a commission of inquiry to give the impression that security laws such as the Terrorism Act are being re-considered and may be abolished. Meanwhile, nothing may be published relating to security laws until the Rabie commission has reported — which, as in the case of the Wiehahn Commission on labour legislation, could be several years.

The prohibition on publications which might "prejudice, influence or anticipate" the proceedings of the commission was published hurriedly on 1 September in a Government Gazette Extraordinary in order to prevent newspapers from reporting on a study of security laws drawn up by the SA Association of Law Societies, which had been released to the Sunday newspapers earlier in the week. The legal study was submitted to the Minister of Justice on 22 August. (*CT 3.9.79*)

The Law Society report was the latest of a number dealing with the subject drawing attention to the iniquity of South Africa's

legislation relating to political opposition.

In a recently published book "Human Rights and the South African Legal Order" Prof. J. Dugard of the Centre for Applied Legal Studies at the University of the Witwatersrand demonstrated how the wide definitions and easy procedures of the security laws had made it much simpler for the state to obtain political convictions. This has been done partly by shifting the onus of proof away from the prosecution (see for example *FOCUS 12 p. 15*)

In his book Dugard gives a historical overview of political trials in South Africa since 1815. He compares the post-1976 position with that in the early 1960's, when there was an increase in trials as a result of severe repression and the banning of the liberation movement. By the end of 1964 at least 51 people had been sentenced to death and three to life imprisonment. The following year there were more life sentences as a result of the Rivonia convictions. By mid-1966 there were nearly 1400 political prisoners (see *FOCUS 19 p. 5*)

Since the uprising of 1976, according to journalist Patrick Lawrence, "a battle has been fought with varying degrees of intensity between militant youths and the security police. The average South African knows little about it because it is in large measure a clandestine struggle. Political trials however provide one of the best barometers with which to assess the direction and nature of the contest". (*RDM 16.8.79*)

Other studies recently published have been "Political Trials in South Africa 1976-1979" by Glen Moss, which analyses recent trials into four categories and gives summaries, in the manner of *Focus*, of 30 political trials, and "Security Trials 1978" by Linda Ensor (SAIRR) which draws attention to the shortage of defence lawyers willing to handle political cases (see *FOCUS 19 p. 2*) and summarises 67 political trials

Newspaper reports listed a handful of around 15 lawyers in political cases whose

names "come readily to hand because there are so few of them". One, Shun Chetty, recently fled South Africa, and another, Priscilla Jana has been banned (see under **BANNINGS**)

In May a lawyers' organisation called the Democratic Lawyers' Association was formed, to work towards a democratic South Africa and the abolition of detention without trial, arbitrary banning and restriction, mandatory sentences, torture and injury, solitary confinement and the death sentence. The Association also believes in the right of all citizens to a speedy and just trial, a judiciary representative of all South African citizens and the abolition of "all legislation discriminating against men on racial grounds" (*Democratic Lawyers' Association Constitution*).

PERSONS DETAINED and CHARGED under SECURITY LEGISLATION 1978

Charge	No. Charged	No. Convicted
Terrorism Act	105	56
'Sabotage'	14	4
Arson	20	14
Public violence	19	18
Other offences	44	33

Ten of those charged with sabotage were convicted of public violence, as were two of those charged with arson. Six of those charged under the Terrorism Act were convicted of lesser offences and 17 were still on trial. (*Debates 14.3.79*) The average length of time those charged under the Terrorism Act were held before being charged was 85 days; five were held for 380 days before being charged (*Debates 11.5.79*)

POLITICAL TRIALS - NEW CONVICTIONS

SEROKOLO and OTHERS

The trial of three Soweto women on Terrorism Act charges (see *FOCUS 20 p. 13, 22 p. 4*) closed on 29 June with two convictions and one acquittal in Johannesburg Regional Court.

Mrs Montshidisi Kate SEROKOLO (aged 28 and pregnant) of Mahwelereng, Potgeitersrus was convicted and jailed for five years. Mrs Elizabeth GUMEDE (aged 57 and aunt to Mrs Serokolo) of Soweto was also jailed for five years. But Mrs Martha Matshediso LEGOABE (aged 56 and mother of Mrs Serokolo) of Mamelodi was acquitted.

The state alleged that the women harboured and assisted guerillas by giving them food, money and accommodation in their houses in August and September 1978. Evidence was given by state witnesses, whose names the magistrate ordered not to be published, to the effect that several students, having received

military training in China and Tanzania, returned to South Africa and were fed and accommodated by the women. Mrs Legoabe was acquitted on the grounds that she worked at night and was not aware that the students were "terrorists". (*Post 19/21.6.79; Voice 1.7.79*)

MOGALE and MABASO

The long trial of two members of the Soweto Students' movement, Linda Mario MOGALE (19) and Elias Jimmy MABASO (22) which began last September (see *FOCUS 19-23*) ended on 10 August in Krugersdorp Special Supreme Court with the conviction of Mogale and the acquittal of Mabaso.

Mogale was sentenced to an effective term of seven years' imprisonment. Mabaso is already serving a five-year sentence for alleged sabotage.

(see *FOCUS 17 p. 3*)

The two men were accused of arson, terrorism and murder (later accused to culpable homicide) following the death of a Soweto woman and two children in a fire in February 1978. They pleaded not guilty.

Several witnesses gave evidence of being tortured while in detention. Sibusiso Tshabalala (18) testifying for the defence, told the court that he had been interrogated by a Sgt. Mathee at Meadowlands police station. A sack was put over his head, doused in water and his hands were tied behind his back, he said. He then felt electric shocks on his neck and as the pain became intolerable he agreed to make a statement. Tshabalala, who was in detention for twelve months, said his statement was mainly lies.

After the defence case closed Sgt. Mathee was called by the state to rebut this and other evidence. Earlier in the case Linda Mogale told the court that Mathee had tried to pull

out two of his front teeth with a pair of pliers. Cross-examining, defence counsel questioned Sgt. Mathee's veracity by showing how he had falsified police occurrence records relating to Linda Mogale. In his judgement, the judge accepted that Mogale had been assaulted by the police and his teeth broken, but said that confession was not thereby invalidated as it had been made voluntarily 'out of remorse'. He convicted Mogale under the Terrorism Act because he was present when a letter from

Khotso Seatlholo, Soweto student leader in exile, was read to the Soweto Students League. The letter allegedly urged the SSL to form the South African Youth Revolutionary Organisation (SAYRO) and employ violence. In his evidence Mogale said he and others had rejected this idea.

Mogale was also convicted on some arson charges (details not reported) and sentenced to a total of 24½ years' imprisonment, to run concurrently. (RDM 26/28.7.79, 2/11.8.79)

ACQUITTALS

M.T. NGCABA

On 23 May an East London Regional Court found Mongezi Tennyson NGCABA (22) of Duncan Village not guilty under the Unlawful Organisations Act and he was discharged.

The state alleged that Ngcaba had possessed or displayed documents relating to an unlawful organisation — the Black Peoples Convention and/or the African National Congress. Two documents carrying the words "Amandla Matla" were found under a mattress in Ngcaba's room. Fingerprint evidence was also adduced but the magistrate found the evidence inadequate and ordered an acquittal (DD 23/24.5.79)

P.M. PHOBANE

On 25 May in East London Regional Court a second man was found not guilty of being a member of an unlawful organisation — the banned BPC and/or African National Congress.

Evidence was given that Penrose Mthuthuzeli PHOBANE (26) had possessed and lent to others books by Joe Slovo and Govan Mbeki (ANC leader serving life sentence on Robben Island) and had read a speech by Nelson Mandela.

Two witnesses who declined to give evidence were jailed for nine months; their names were given as Nkosihlanga Gladwin NKHONJWA (24) library assistant in Duncan Village and Andile VABAZA. Two other men, W.A. Nondzaba and M.G. Gogwana, gave evidence against Phobane, but he was acquitted (DD 24/26.5.79)

WELAMAZWE BANGO

Municipal worker Welamazwe BANGO (29) was found not guilty in Umtata Regional Court on 28 May under the Transkei Public Security Act after being charged with uttering words to subvert the authority of the state.

An African security policeman alleged that Bango had approached him outside a cafe on 1 February 1978 with his clenched fist raised, and had shouted "Amandla! Where are men like Mandela and Sobukwe? These are real leaders fighting for the nation on Robben Island!" He went on to call Chief Matanzima "a dog", the Transkei a homeland in which he could not stay because he wanted his freedom, and Police Minister Kruger "a murderer".

Bango told the court that he had been at home on the day in question (DD 23/29.5.79)

WAUCHOPE and MLAUZI

On 13 July Mrs Ethel WAUCHOPE (52) and Washington MLAUZI (36) were both acquitted on Terrorism Act charges in Johannesburg Regional Court. A cheering crowd welcomed their release after 10 months in custody.

Mrs Wauchope was described as a member of the "Women for Peace" movement and Mr Mlauzi as a Soweto undertaker. They were charged with assisting eight others to go for military training. No full reports of the acquittal have yet been received (NW 14.7.79)

EZEKIEL MOLEFE

The witness in the SASM Eleven case who was charged with perjury after the evidence he made in court contradicted a statement he made in detention was on 12 June acquitted in Kempton Park Magistrates' Court.

Ezekiel MOLEFE, 22, (see FOCUS 22 p.3) was discharged after the case had been repeatedly postponed because of the state's inability to produce witnesses. (Post 13.6.79)

APPEALS

PAC APPEAL REFUSED

The 16 members of the Pan-Africanist Congress who were convicted and imprisoned on 26 June in Bethal Circuit Court (see FOCUS 23 p.8) had their application for leave to appeal refused by the Pretoria Supreme Court on 16 July. The judge said he could find no merit in the argument that another court might have come to a different conclusion. (Star 30.6.79; BBC 19.7.79)

SPRINGS SIX

The six ANC members convicted under the Terrorism Act in Springs on 24 November 1977 (see FOCUS 14 p.6) were refused leave to appeal against conviction in Bloemfontein Appeal Court on 9 August. Five of them are however to be allowed to appeal against sentence.

The six are currently on Robben Island. John PHALA was allowed to appeal against his 30-year sentence by the trial court. The four others granted leave to appeal against sentence by the Appeal Court are John THABO (30 years) Ben MASHININI (12 years) Vincent NKOSI (12 years) and Philip KHOZA (15 years). The sixth accused, Solomon MUSI, did not appeal against his five-year sentence. (RDM 10.8.79)

CONTINUING TRIALS

NGOBESSE AND OTHERS

The trial of six young men and a woman on Terrorism Act charges (see FOCUS 21 p.11) resumed in Durban Regional Court in May and July. On 16 July four of the accused were discharged by the presiding magistrate at the end of the state's case, on a defence application.

The four, Eric Fanavele MALABA (22) Nhlanhla Victor NGIDI (25) Kwenzakhe Elijah MALABA (26) and Penuel Mpanipa MADUNA (26) were acquitted of inciting others to go for military training. Immediately, security police redetained Maduna, allegedly for contempt of court and assault on the police, who said he would probably be released on bail. Defending lawyers said that Eric Malaba had also been redetained; he faces a further charge of attempting to leave the country.

The remaining three accused, Sithembiso Ernest NGOBESSE (26) Themba Patrick NXUMALO (26) and Ms. Sibongile Albertina

UNNAMED JUVENILE

A 17-year-old youth from Soweto was on 21 August convicted in Johannesburg Regional Court under the Terrorism Act and sentenced to five years' imprisonment.

The State alleges that the youth helped two others to go to Botswana for military training by arranging transport when requested to do so. The two persons assisted were named as Edward Buthelezi and Patrick Mzimkhulu. (Post 22.8.79)

KUBHEKA (27) are still charged with inciting others to go for military training. In addition, Ngobese and Nxumalo are charged together with Eric Malaba with attempting to go for military training themselves. All have pleaded not guilty. (Post 29.5.79; RDM 6/17/19.7.79; DN 26.7.79)

BHEKITHIZA NQUBELANI

The young man accused of planting a bomb inside Cape Town Supreme Court in May (see FOCUS 23 p.10) made two brief appearances in court before the case was remanded for trial on 16 October.

Bhekizitha Oliver NQUBELANI (26) appeared in Cape Town Magistrates Court on 14 June and in Cape Town Supreme Court on 1 August. He was not asked to plead. He faces a main Terrorism Act charge and alternate charges of attempted murder.

The charge sheet alleges that Nqubelani entered South Africa from Botswana in June 1978 armed with an automatic pistol, and that he went to Botswana in April 1979 for "terrorism training", re-entering South Africa on 28 April with "explosive material". On 15 May he planted a bomb in a cloakroom at the Supreme Court which was discovered before it went off. Immediately after the discovery the Minister of Police stated that a "foreign-trained terrorist" of the African National Congress had been arrested. (CT 18.5.79, 15.6.79, 2.8.79)

MARUME and OTHERS

The trial of six students from Sebokeng (see FOCUS 23 p.10) continued in Vereeniging Regional Court in July, where the accused face sabotage charges relating to the petrol bombing of an African security policeman's home in December 1978.

Johannes MARUME (18) Ezekiel SEAKGWA (19) Thomas NHLAPO (18) Lazarus LEBOLWANE and TWO UNNAMED JUVENILES have all pleaded not guilty. Police officers involved in the case denied they had assaulted, threatened or forced the accused to make confessions. (RDM 24.7.79)

S.S. BHENGU

An elderly man, Simon Sampson BHENGU (73) appeared in Johannesburg Regional Court on 18 June charged under the Terrorism Act with having assisted two men undergo military training. (WIP Aug 79)

CHIEF DALINDYEBO

Paramount Chief Sabata DALINDYEBO, leader of the Transkei opposition Democratic Progressive Party, is to appear in court on 19 September to face charges under the Transkei Public Security Act. He has been meanwhile released on R1000 bail and stringent conditions prohibiting him from attending meetings and requiring him to report daily to the police.

As a chief, Dalindyebo is senior to Transkei's President Kaiser Matanzima, whose collaboration with the Pretoria government he opposes. He was arrested on 26 July, apparently on the

contd. on p.6

MRS BIKO ACCEPTS R65,000

On 28 July Mrs Nontsikelelo Biko, widow of Steve Biko who died of brain damage while in security police custody in September 1977, announced that the family had accepted an out-of-court offer from the State of R65,000. This was R25,000 less than the family had claimed (see *FOCUS* 22 p.6) The State is also to pay all costs.

The settlement was accepted out of court when it became clear that through a technicality the State would be able to exclude testimony on how Biko died from the court hearing in a civil suit for damages. Mrs Biko was quoted as saying that one of the purposes of the claim had been to re-open the inquiry into criminal responsibility for her husband's death. She said:

"It was stated (*at the inquest*) that nobody was to blame for the fatal lesions on Steve's brain. Nobody was to blame for the vegetable-like condition that he was in when he breathed his last. Nobody was to blame for his death.

"We had hoped that the less restricted nature of a civil suit would allow more in-depth evidence to be led in regard to the circumstances surrounding Steve's death" (A detailed account of Biko's death in detention, as revealed at the inquest, is contained in *No.46 - Steve Biko* published by IDAF in 1978)

The new Minister of Police, Louis le Grange, denied that the settlement amounted to an admission of liability, saying that the State "in terms of the rules of the Supreme Court and without prejudice and without admission of liability" had made the offer, and the payments had been "accepted by the claimants in full settlement of their claims".

The Biko family are considering a private prosecution for murder if the State brings no charges against the security police officers who were in charge of Biko on the night he received his fatal blow to the head. Sufficient evidence emerged during the inquest to indicate the most likely culprits, and those with overall responsibility for his treatment. Despite the State's hope, expressed by Minister le Grange, that "the Biko affair is now closed", Mrs Biko said that the settlement was far from being the end of the matter.

Mrs Biko also said that her R30,000 share of the settlement would go wholly towards founding a community project in memory of Steve Biko, who was the initiator of several Black Consciousness community schemes. The other beneficiaries are her sons aged eight (R13,000) and four (R9,000) and her mother-in-law (R13,000). (*ST* 29.7.79)



STANLEY NDLOVU

In another out-of-court settlement, the state offered R30,000 to Stanley Ndlovu, the 17-year-old Pretoria youth crippled after being shot by a police constable in October 1977. (see *FOCUS* 23 p.11)

MAPETLA MOHAPI

The family of Mapetla Mohapi who died in detention in 1976 is suing the Minister of Police for R48,000, representing loss of support for Mrs Nohle Mohapi and her two minor children (*CT* 18.8.79)

DETAINEES' COMPLAINTS IGNORED

None of the complaints of ill-treatment made by Terrorism Act detainees to the two persons appointed to visit detainees (see *FOCUS* 16 p.13, 17 p.7) were acted upon in the six months June to December 1978.

This was disclosed by the Minister of Justice in response to a parliamentary question from Mrs H. Suzman. The Minister stated that 431 visits were made to detainees in the period and 20 complaints of ill-treatment were reported to him. But in no case was anything done. Some complaints, said the Minister "were referred to the Attorney-General who declined to prosecute. Others were, after investigation, found to be groundless. Others were so vague and lacking in particulars or evidence that they could not be substantiated" (*Debates* 9.5.79)

The two visitors are Adv. W.M. van den Berg, former Attorney-General in the Cape (to visit detainees in Cape Province & Natal) and A.J. Mouton, former chief magistrate in Pretoria (detainees in Transvaal and OFS). They were appointed following the world-wide outcry provoked by the death in detention of Steve Biko. At the time doubt was expressed as to whether state-appointed visitors would help to prevent the police ill-treating detainees. If no action is taken on reported complaints, the doubt would appear to be justified. De-

tainees are known to be reluctant, in any case, to report ill-treatment, for fear of worse treatment from their interrogators.

According to Professor J. van der Vyver of Witwatersrand University, "although in the case of *Nxasana v. Minister of Justice* in 1976 (see *FOCUS* 12 p.6) it was decided that Section 6 did not authorise the manhandling of a detainee or the use of third degree, the methods left open by the Act for bringing such irregularities to the notice of the courts are in reality of very little, if any, practical avail."

Professor van der Vyver was speaking at a conference of the newly-formed Study Group on Internal Relations associated with the University of Pretoria (*ADM* 28.6.79)

INTERNAL SECURITY ACT

Two persons formerly associated with the Black Consciousness movement are reported to have been re-detained in preventive custody under Section 12 b of the Internal Security Act. They are Malusi MPUMLWANA (see *FOCUS* 20 p.9) who is banned for a second time, and Mxolisi MVOVO, former vice-president of the BPC who has been banned, detained, released, unbanned for medical reasons and re-detained (see *FOCUS* 11-19) and was recently acquitted on a charge of inciting racial hostility. (see *FOCUS* 21 p.11) Both were detained in August

Mpumlwana and Mvovo are both from East London. They are the only two persons currently in ISA detention. On 25 May the then Police Minister Jimmy Kruger told Parliament that there were then no persons in preventive detention. (*Debates* 25.5.79)

DETENTION CATEGORIES

Under the South African security legislation there are several legal ways in which persons may be held in detention without charges being preferred against them.

The most common is Section Six of the 1967 Terrorism Act which allows for indefinite interrogative detention. In May 1979 a total of 65 persons were held under this statute, 13 of them having been detained in 1978.

At the same date 23 persons were held in terms of Section 12b of the 1976 Internal Security Act as potential witnesses in security trials. The same Act also provides for preventive (non-solitary) internment, a form of punishment which has been commonly imposed on community leaders prior to banning orders.

A fourth form of detention is Section 22 of the General Law Amendment Act which allows for 14-day detention. This is often used initially with detainees being transferred to other statutes as deemed appropriate. On 25 May four people were held under the GLA, with a further six persons being detained as potential witnesses in non-security cases under Section 215 of the Criminal Procedure Act (*Debates* 26.5.79)

In addition, persons may be detained under Section 13 of the anti-drug law Abuse of Dependence Producing Substances Act.

In practice it is often difficult to ascertain under which piece of legislation a detainee is technically being held, and to detainees the distinctions can be academic.

NEW DETENTIONS

TRANSKEI

In July and August a large number of people associated with the Democratic Party and other opposition forces were detained by the security police. This followed the arrest of Chief Sabata Dalindyebo (see *POLITICAL TRIALS*)

In July the police raided the homes of several Democratic Party members including those of Hector Nkokazi, recently given a suspended sentence for impugning Transkeian 'independence' (see *FOCUS 22 p.9*), and of S.A. Xobololo and Ezra Mtshontshi.

The following month these persons were detained:

Rev. Dr. Mxolisi NTLABATI, a former exile who returned from the USA earlier this year to work for the 'independent' Methodist Church in the Transkei, and who was threatened with being sent to his original home area in South Africa on release.

Adv. Fikile BAM, former political prisoner now a lawyer in the Transkei

Joseph KOBO former Democratic Party general secretary (*Voice 16.8.79*)

Also detained were two other persons: Enoch TSHUNGWA, former deputy chairman of ruling Transkei National Independence Party who sat in the Assembly from 1968 to 1975 when he was convicted of theft (*RDM 17.8.79*) and Kolisile JAJULA, described as a 'top ranking officer in the Transkei Intelligence Service' (*Voice 26.8.79*)

On 31 August Johannesburg radio reported the detention of two chiefs in the Transkei. They are Chief Jeremiah MOSHESH and Chief Sigca SIGCAU, son of the first 'president' of the territory. Both are former supporters of the Transkei authorities who now appear to be in opposition (*BBC 3.9.79*)

JOHANNESBURG

A number of young people are or have recently been held in detention in John Vorster Square Johannesburg. Those reported include Lawrence Bongani NKOSI, a 22-year old student detained on 17 July, Zakaria MAANO and brothers Lawrence and Sydney MUFAMADI, arrested on 20 August on suspicion of possessing banned literature and released four days later.

Six persons from one family were detained in Soweto at 2 a.m. on 21 August. They were named as Jabu DIKGALE, Joshua DIKGALE, Margaret DIKGALE, Jeanette MAKHOA, Isaac MAKHOA and Lucy MAKHOA (*Voice 26.8.79*)

CISKEI

Detentions continue to be reported from the Ciskei (see *FOCUS 21 and 22*). In mid-July at least five people were arrested under emergency proclamation R252 following the staging of a play at the Cecilia Makiwane hospital. They were Rev. Vuyani MYOBOLLE, Rev. Philip Sizwe DIKO (both of whom were described as having played an active role in producing the play) Michael XOLA, Monde FIGLAN, an actor, and Ms Nomathemba MAEMA, a nursing sister. (*Voice 12.8.79*) Philip Diko was previously arrested (see *FOCUS 23 p.9*)

Several other Ciskeian detainees were released at the end of May after being held for varying periods. It would appear that internal Bantustan political differences have been the cause of some recent detentions in the Ciskei. Those released included Themba MADWANYA and Archibald NGXAMNGXA, described as teachers and former members of the Youth League which helped Chief Sebe to power in 1972-3, who had been held since 8 February. Others released were Mncedi NTUTELA, Cosmo TSHIKI and Mdantsane councillors J.J. DLOVA and John MANGALA (all reported in *FOCUS 23*).

Also released on 29 May was Vuyani MQINGWANA, a head teacher from Peddie (see *FOCUS 20 p.13*) who was first arrested in September 1978 and made several court appearances charged with possessing banned books. All charges were eventually withdrawn, after Mqingwana had spent 259 days in custody.

PRETORIA

Three young people from Atteridgeville township were detained on 7 May, apparently in connection with a student petition on behalf of Solomon Mahlangu earlier in the year.

They were Raymond 'Strike' MORWANE (24) freelance journalist and former president of the Atteridgeville STC, Ronnie MAMOEPA (19) and Oupa MASUKU (19) both students arrested during a pre-dawn swoop. All appear to have been held under the General Laws Amendment Act and released on 19 May. Mamoepa was re-arrested on 1 June, together with four other students and *Post* reporter Thami MKHWANAZI (see *FOCUS 23 p.13*)

Mkhwanazi is secretary of the Pretoria branch of the Writers' Association of South Africa (WASA) a Black journalists' organisation, and has been twice detained in BophuthaTswana while on press assignments. Following his detention in Pretoria in June his office was searched by security police and he was later taken there in handcuffs while his police escort checked files.

Mrs. Jana is not prohibited from practising but as banned persons are not permitted to communicate with each other, and many of her clients are themselves banned, her legal work will be effectively restricted. It will also be hindered by her inability to travel to courts etc. outside Johannesburg. (*GN 23.8.79*)

Another new ban announced has been imposed on Matoto Frank GCOBO, restricted to Mdantsane. The ban is for two years - 7 June 1979 to 30 April 1981. No further details were given (*GG 6550 29.6.79*)

BANS LIFTED

The banning order on Charles SIMKINS, university researcher served with a five-year banning order in November 1976 together with

On 31 July, Zwelakhe SISULU, WASA president and news editor of *Sunday Post* (and also son of ANC leader Walter Sisulu serving a life sentence on Robben Island) was called to Pretoria Magistrates' Court to answer questions about telephone calls between himself and Mkhwanazi. Under Section 205 of the Criminal Procedure Act a pre-trial investigation may be ordered by the court. After a postponement, Sisulu appeared on 6 August in a closed hearing and was sentenced to nine months' imprisonment for refusing to answer a question put to him.

The questions concerned alleged conversations about youths leaving South Africa for military training and intended disruptions of the boxing match between John Tate and Kallie Knoetze which took place at Mmabatho (near Mafeking) in BophuthaTswana.

Sisulu was granted leave to appeal and allowed R200 bail (*S.Ex 29.7.79; RDM 4/7.8.79*) Mkhwanazi is still in detention.

BOTSWANA CITIZENS HELD IN SA

On 29 May the office of the President of Botswana issued a statement saying that a number of Batswana had been detained in recent weeks by the South African Security Police. Those detained were questioned about South African student refugees in Botswana. The statement added that whenever such cases are reported to the office of the President, representations are made to the South African government but there is never any guarantee that the SA authorities will pay heed to such representations. (*Botswana Daily News 30.5.79*)

While other instances were mentioned, the case which gave rise to this statement was that of Galenthone Gurmel MAKUKU (28) who was detained on 7 April under the Terrorism Act (see *FOCUS 23 p. 13*) and only released on 3 July after formal protests from the Botswana government.

A student at the Swazi campus of the University of Botswana and Swaziland, Makuku was arrested while driving into South Africa with Menzi Khumalo allegedly on suspicion of transporting arms into Natal. Makuku was held in solitary confinement at Pietermaritzburg and beaten and burnt with cigarettes during interrogation. On release he was given a rail warrant back to Swaziland.

The Botswana Government also named four other Batswana who were detained in South Africa on 19 October 1977 and had not been heard of since, although the SA police claimed that they had been released the following day. Their names were given as Alan JACOBS, Henry MANYUNA, Elvis SETSWERERE and Joseph TABENGWEA (see *FOCUS 14 p.13*)

20 others mostly involved in the black trade union movement, (see *FOCUS 8 p.13*) has been lifted.

So has that on John FRANKISH, former UCT medical student and NUSAS executive member, banned at the same time as Charles Simkins (*NW 20.7.79; GG.6607, 3.8.79*)

BANS EXPIRED

At the end of April the bans imposed on four persons who served ten-year sentences under the Sabotage Act as members of the Unity Movement expired and were not renewed. Those affected are

Dr. Neville ALEXANDER
Ms. Elizabeth VAN DER HEYDEN
Marcus SOLOMON
Rev. Don J. DAVIS

All four were imprisoned from 1964-74 and banned on release. In late 1978 Dr. Alexander was permitted to take up a six-month fellowship in West Germany; on his return to South Africa he said he had no intention of going into exile (*DD 2.5.79*)

LAWYER BANNED

On 20 August Mrs. Priscilla JANA, Johannesburg attorney, was served with a five-year banning order preventing her from entering any black area except that of her domicile, Lenasia, and from leaving the Johannesburg magisterial district.

Mrs. Jana acted as legal adviser to Mrs. Martha Mahlangu (see *FOCUS 22 p.1*) and many persons accused of political offences. She was previously assistant to attorney Shun Chetty, and was banned ten days after he left the country and she opened her own law practice.

BANS

CHECKLIST OF BANS

On 13 July the *Government Gazette* issued its annual list of all persons under banning orders as at 30 June 1979. (GG. 6576 13.7.79)

The list contains 154 names and details, comprising 39 white persons and 115 blacks. All are contained in the IDAF publication *Prisoners of Apartheid* (to 30 June 1978) and in subsequent issues of *FOCUS*.

BANISHMENTS

Two persons from the Ingwavuma district of Natal near the Mozambique border were on 3 August 1978 removed under the Black (Native) Administration Act and sent to the Ezingolweni district in the extreme south-west of Natal. They are Mbolekelwa MNGOMEZULU and Piet Mzondeki MDKHUNGA. (*Debates* 8.5.79)

No other removal orders under this Act lapsed or were withdrawn during 1978.

Two persons detained under Ciskei emergency regulations R252 were subsequently ordered to remove themselves to the Transkei. They were Joseph Zoyisile KOBO and Livingstone MALOTANA (see *FOCUS* 22 p.6.) who were released early in May. Both are domiciled in East London and stated that they did not intend to go to the Transkei (*DD* 4.5.79)

continued from p.3

express instructions of Matanzima (the Transkei Police Commissioner, Brig. Cwele, refused to sign the arrest warrant and was dismissed) in response to growing popular discontent led by Dalindyebo. Earlier in July at a party rally, Dalindyebo, described as "Transkei's most popular tribal leader" who has united the two largest tribal groups, the Tembus and the Pondos against Matanzima, called on Transkeian "passport holders" to reject "this invalid document".

His arrest prevented him from addressing another rally in East London on 1 July and was followed by a massive demonstration by his supporters in Umtata on 2 July when he was to be formally charged. People from Dalindyebo's Tembu tribe were reported to have collected R50,000 for his defence. The Transkei authorities responded by holding Dalindyebo incommunicado in Sterkspruit until 6 August when he was charged at a secret court hearing attended by his attorney Griffiths Mxenge, when he was released on bail.

The publicity secretary of the Democratic Progressive Party and Chief Dalindyebo's parliamentary representative Ms. Florence MANGCOTYWA, was also detained by Transkei Security police during the demonstration on 2 July. (*DN* 3.7.79, 3.8.79; *RDM* 15.8.79)

Another Democratic Party official, M.B. PIKASHE, was due to appear in Umtata Regional Court at the end of July charged under the Transkei Public Security Act with impugning the dignity of the 'state president' (*WIP Aug* 79)

M.J. MAGUDULELA

A 41-year old man, Mandla Jim MAGUDULELA, appeared in Johannesburg Regional Court on 23 August charged under the Terrorism Act (no details given). The case was remanded to Kempton Park Regional Court on 9 October. (*Post* 24.8.79)

JOHNSON NYATHI

One of those convicted in the Bethal trial, Johnson Vusumuzi NYATHI (sentenced to ten years' — see *FOCUS* 23 p.8) has been charged with a fresh offence in Krugersdorp Magis-

CONTRAVENTIONS

The following banned persons have been charged with contravening their banning orders:

- Sadeque VARIAVA (29) of Lenasia, banned at the end of 1978 (see *FOCUS* 20 p.8) was convicted of being in a car with two other persons on 29 November 1978. Variava was sentenced to three months' imprisonment, suspended. (*RDM* 7.8.79)
- Aubrey MOKOENA was on 13 August acquitted on charges of contravening his banning order (see *FOCUS* 23 p.14) when the magistrate found that the state had failed to prove its case. (*Post* 14.8.79)
- Judy FAVISH (29) of Woodstock, banned at the end of 1976 with 20 others, was charged in Wynberg Magistrates Court on 31 July with leaving the Cape Town magisterial district on 7 July. The case continues (*CT* 1.8.79)
- Rev. David RUSSELL, Anglican priest of Cape Town, banned in October 1977 (see *FOCUS* 13 p.4) and frequently before the courts (see *FOCUS* 21 p.11) faces charges of contravening his banning order, apparently by being away from home after 6 pm and of possessing banned literature (*ST* 12.8.79; *WIP Aug* 79)
- Thandisizwe MAZIBUKO, former BPC Secretary-General was charged on 24 August with breaking his ban. He was due to appear in court again on 6 September on another similar charge (*Voice* 26.8.79)

trate's Court, that of attempting to escape.

While in detention, Nyathi fell from a window in Krugersdorp police station (see *FOCUS* 12 p.12) and was subsequently in hospital for several months. He later sued the Minister of Police unsuccessfully for damages, claiming that he had been assaulted and thrown out of the window (see *FOCUS* 21 p.10)

Now it appears that the state is responding by charging Nyathi, already a prisoner, with jumping out of the window in an escape attempt (*WIP Aug* 79)

SIPHIWE MTIMKULU

The young Port Elizabeth man Siphiwe Maxwell MTIMKULU (18) prosecuted for wearing a SASO tee shirt (see *FOCUS* 22 p.4) reappeared in Port Elizabeth Regional Court on 30 May charged under the Internal Security Act. The State also alleges that he possessed a document associating himself with the PAC and that he obstructed a policeman by slapping him and refusing to enter a cell (*WIP Aug* 79)

GUMENGE AND SEVEN OTHERS

Eight people have been charged in Port Elizabeth Regional Court under the Terrorism Act with attempts to leave South Africa for military training.

On 19 June Wellington Vukile GUMENGE (23) Fikele Ernest MOHALI (19) Vusumuzi Kenneth ZEBONDA (18) Liza Swelinzima KULA (18) Wanile Goodman GEAKAZI (19) and Aba Xhego DAYILE (18) were charged with attempting to leave South Africa for military training. In addition Paul KHUMALO (32) and Wandile Abia DAYILE (24) are charged with assisting them to leave South Africa and travel to Botswana (*WIP Aug* 79)

OTHER TRIALS

KUNENE AND THREE OTHERS

Four young people from Soweto appeared in Johannesburg Regional Court on 24 July charged with murder. The state alleges that Rose KUNENE (18) Gideon NKUTHA (20) Lydia DAKILE (20) and Jefferson LENGANE (22) were responsible for the death of a WRAB

David GASA, of Umlazi, who was banned in 1976, has applied for leave to appeal against a jail sentence for breaking his ban. He has also applied for bail.

In January 1978 Mr. Gasa was sentenced to a total of 20 months' imprisonment, conditionally suspended. The sentence was invoked in February 1979 after he was again convicted (see *FOCUS* 21 p.12).

Opposing bail, a police officer told the court it was almost impossible to keep banned people under constant observation and said he feared that Gasa would try to leave the country illegally (*NW* 24.8.79)

APPLICATIONS REFUSED

Govin REDDY, banned at the end of 1976 (see *FOCUS* 9 p.14) applied for permission to move from Durban to Phoenix, Natal, where his wife had obtained a nursing job, and was refused. The Minister of Justice, in answer to a parliamentary question, declined to explain this refusal (*Debates* 4.5.79)

Ebrahim ISMAIL (40) banned on his release from Robben Island in February (see *FOCUS* 22 p.4) and restricted to Pinetown, applied to go to Durban for a job interview on 4 July and was refused permission. The magistrate refused to comment on this decision. A relative told the press that the banning order had effectively blocked all Mr. Ismail's attempts to find work (*DN* 5.7.79)

official on the first day of the uprising 16 June 1976.

Jefferson Lengane was one of the accused in the SASM Eleven trial and was given a suspended five-year sentence (see *FOCUS* 22 p.2) His name does not appear to have been added to the charge sheet until July; press reports in June referred only to the others having appeared at a preliminary hearing (*Post* 10/12.6.79; *WIP Aug* 79)

One of the state witnesses in this trial, Sidwell Mosiwa CUKULU (20) was arrested and charged with perjury after repudiating the evidence he had given in Court (see *FOCUS* 23 p.10)

He appeared in Krugersdorp Magistrate's Court on 30 July. (*WIP Aug* 79)

CHILDREN IN PRISON

During 1977 and 1978 some 500 juveniles under 18 years of age were held under security legislation in connection with suspected political offences.

Of these, half (224) were eventually released without being charged, 87 were called as state witnesses, and 189 were charged with offences ranging from attending a prohibited gathering and intimidation of scholars to sabotage, arson and murder. These figures included only those detained under security laws.

Of those prosecuted, 70 were acquitted, and 119 convicted. Sentences ranged from corporal punishment through suspended sentences to varying terms of imprisonment.

The most severe sentence, 14 years' imprisonment, was imposed on a juvenile convicted of murder and public violence. In all 33 youngsters were jailed on charges arising out of political demonstrations and protests. A further 25 were given suspended or postponed sentences.

Of the remaining juveniles, three were sent to reform school and the rest were sentenced to between 2 and 8 cuts each (*Debates* 6.6.79)

POLITICAL PRISONERS ON TRIAL

In two trials, five men and two women political prisoners have been found guilty of assaulting prison staff at Robben Island and Kroonstad prisons.

The five men were charged in the Regional Court on Robben Island on 19 June 1979 with attempting to murder five warders and failing to obey a command of the prison staff on 9 February 1979. (see *FOCUS* 23 p. 15) On 26 July, Vusumuzi NCONGO, Mncedisi SISWANA, Tamsanqa Jeffrey KLAAS, Khumbelele MNIKINA and Fezile Lawrence MVULA were convicted of public violence and sentenced respectively to three years' imprisonment; two-and-a-half years'; three years'; four-and-a-half years'; and four years'. One year will run concurrently with their other sentences in the case of Mcongo and Klaas. A sixth accused, Zuko CAMAQA, was found not guilty. (CT 27.7.79)

It was alleged that the prisoners had attacked the warders with bricks and a piece of metal tubing when Capt. Harding, officer in command of the maximum security area of Robben Island prison, had gone to the recreation area of the section to investigate why the prisoners had not obeyed the bell which had rung for them to return to their cells. (CT 20.6.79; Post 24.6.79)

The defence asked for an acquittal, saying that the evidence of the warders had been contradictory and that in the cases of all but one of the accused, identification rested on the observations of one person, in most cases under stress. (CT 28.6.79) One of the warders, Serg. J.H. Stander, who had initially identified Siswana as having tried to strangle Capt. Harding, changed his evidence under cross-examination and stated that it had actually been Mnikina, and that he had made a mistake due to being under "very high tension" (CT 20.6.79) The prosecution conceded that there were doubtful grounds for the charge of not

obeying a lawful order (CT 28.6.79)

However the magistrate said that the evidence led by the State had appeared trustworthy and, in some instances, outstanding. He said the court would have considered corporal punishment, but present legislation did not provide for this in cases of public violence. (RDM/CT 27.7.79)

The defence gave notice of appeal against judgment and conviction.

The other trial arose out of incidents at Kroonstad prison, in the Orange Free State, where women political prisoners are held. On 14 August 1979 Thandiso MANGUNGO (19) and Caeserina MAKHOERE (23), both serving five-year sentences under the Terrorism Act, were found guilty in the Kroonstad Magistrate's Court of common assault on a white wardress.

Wardress Amanda Smith told the court that Mangungo and Makhoere assaulted her by slapping her face on 20 May 1979, and again on 26 July 1979, when Mangungo also spat into her face. Mangungo and Makhoere denied this. Mangungo said she fought in self-defence and Makhoere said she had separated Miss Smith and Mangungo while they were fighting.

Makhoere said the Terrorism Act prisoners had gone on a hunger strike "for equal rights, and against apartheid and discrimination". Miss Smith and two male warders had dragged her out of her cell and beaten her with batons.

Giving evidence for the defence another Terrorism Act prisoner, Joyce Mashamba, said relations between prison officials and prisoners at Kroonstad prison were not satisfactory.

Mangungo was convicted on two counts of common assault and sentenced to a fine of R60 or sixty days' imprisonment; Makhoere on one count and sentenced to a fine of R30 or thirty days' imprisonment. (RDM/Cit 15.8.79)

The two women were not previously known to be in Kroonstad prison; their names should be added to the list of women political prisoners in *FOCUS* 21 p.8. According to the Minister of Prisons (Debates 22.6.79) there are currently nine women political prisoners.

EX-PRISONERS IN CHRONIC POVERTY IN TRANSKEI

A previous issue of *FOCUS* (No. 22 p.4) quoted a report on the conditions of ex-political prisoners restricted after their release to the resettlement area of Dimbaza, in the Eastern Cape Province, and condemned there to a life of abject poverty.

Now the *Sunday Post* has investigated another resettlement area, Ilinge, which is in the Transkei, now an "independent state". Despite "independence", however, South African ex-political prisoners continue to languish in Ilinge. One of them is Albert Befile of Port Elizabeth, who told the *Sunday Post*: "I am going to write to the South African Minister of Justice to allow me to go back to Port Elizabeth... I am not working and have no future. I did not come here of my choice. I was dumped here after my release from the Island where I served 6½ years. People are roaming around here with empty bellies." Another is Henry Magqza, also of Port Elizabeth, a 65-year-old ex-Island prisoner who has not worked since his release in the late 1960s. He is in ill-health and depends on his bi-monthly pension of R30.

Ilinge, as the newspaper explains, "is a settlement of over 3,000 houses and corrugated iron shacks and lies just inside Transkei, about 15 km from Queenstown. Started... by the South African Government in the mid-60s for ex-political prisoners, people pushed off white farms and "derelicts", it was inherited by the Transkei... in early 1976. And the Transkei has done little to improve its "inheritance". Like residents of other resettlement camps throughout the country, people are starving and there are no industries. It boasts of one small factory that employs mainly handicapped people and women. Workers claim they are paid a flat "slave wage" of R35 per month" (*S Post* 15.7.79)

JOURNALISTS NOT GUILTY OF PUBLISHING FALSE INFORMATION

Following a report in the *Eastern Province Herald* of 31 January 1979 that Anglican prisoners in Grahamstown had not been ministered to for 13 months, the editor of the *Herald*, Mr. H.E. O'Connor, and a reporter, Mrs. Jill Joubert, were charged in the Grahamstown Magistrate's Court on 14 August 1979 under the Prisons Act.

It was alleged that they published false information about the administration of a prison without taking reasonable steps to verify the information.

Their report said Anglican priests had been kept out of the prison because of the rejection of an application to become prison chaplain by the Dean of Grahamstown, the Very Reverend Godfrey Ashby. It quoted the Dean as saying that this had meant that Anglican prisoners had not been able to celebrate Christmas or Easter.

Col. Jacobus Fourie, chief liaison officer with the Department of Prisons said the report

was untrue. He said he had no call from the *Herald* to verify the story.

Col. Ian Scott of the chaplain-general's department in the Commissioner of Prisons' office said he received Dean Ashby's application to become prison chaplain on 12 January 1978 and wrote back in July refusing the application. He said the reason the reply took six months was classified information. He admitted that some of the disputed paragraphs in the report were in fact true.

The magistrate said he could not find that the information was false and acquitted the two journalists. (CT 25.8.79; RDM 12.7.79)

• The Prisons Act, No. 8 of 1959, was passed when shocking exposures of South African prison conditions were appearing in the press. The Act made it a criminal offence to publish 'false information' about prisons: it effectively stopped the publication of any information about prisons. (see *South Africa: the imprisoned society*, IDAF, London, 1974, pp. 30-38.)

The new Police Amendment Act (see *Focus* 22 p.7) will effectively extend this to information on detainees. See also *Focus* 23 p.10 for another case involving a press report.

ACCOMMODATION FOR ROBBER ISLAND VISITORS

A house has been acquired in Cape Town by the South African Council of Churches to accommodate the families of political prisoners while they are visiting Robben Island.

Many prisoners' families live a long way from Cape Town and often face difficulties when applying for visits. The Dependents' Conference of the SACC has tried to assist visitors by arranging permits and providing transport and accommodation during the waiting period, hence the need for a rest house. (*Post* 8.6.79)

rhodesia ZIMBABWE

MARTIAL LAW EXTENDED

A further extension of martial law to cover almost the whole of Rhodesia was announced by the regime on 3 September. A statement issued on 4 September by Combined Operations headquarters declared that it was the "publicly stated intention of the Patriotic Front" to escalate the guerilla war during the forthcoming constitutional conference at Lancaster House, London, and "to counter this several additional martial law areas are gazetted today. Their purpose is to consolidate existing areas and to bring about a rationalization of district boundaries." (BBC 5.9.79)

The new martial law areas are believed to take in a thin strip of territory running south-west from Salisbury as far as Bulawayo, straddling the main road connecting the two cities. As a result of six separate extensions of martial law, on 23 September 1978, 4 and 31 October, 10 and 24 November 1978, and 12 January 1979, over 90% of the country has been under martial law since early this year (GN 5.9.79)

EMERGENCY RELIEF

Reports of an emergency relief organization in Salisbury, covering the months of May and June 1979, provide a revealing commentary on the continuing deterioration of conditions in the martial law areas.

It is known that the flow of refugees from the war zones into Salisbury and Bulawayo, which halted during the April election period, has since increased sharply. People were unable to travel during the election period due to the intensity of the regime's preparations, involving the biggest military mobilization in the country's history. Since that time relief organizations have reported a drastic rise in the incidence of homes being burnt down, cattle and livestock confiscated, property destroyed and breadwinners missing.

Over the two-month period May/June, emergency relief in the form of food, clothing and blankets was distributed by this particular office to a total of 201 cases, each involving up to 20 or more families. In the overwhelming majority of cases, those needing relief were destitute after their homes had been destroyed. Typical examples are:—

- Eight people in the Mount Darwin area who had been living in a protected village which was attacked. Granaries, blankets and clothes were destroyed.
- A family of seven people in the Mhondoro area. The father, who was an aspiring candidate in the April elections, was killed and the family fled from their home.
- A family of six in the Chikwaka TTL, whose home was set on fire by the security forces as a punitive measure for failing to report the presence of guerillas.
- A family of nine people in the Mangwende TTL whose home was destroyed after allegations that guerillas had been fed in their village.
- Six families, totalling 25 people, in the Mtoko area. Their homes were destroyed in a contact in which 40 people died.

- 24 families in the Mrewa area whose homes were set on fire soon after the April elections.
- 50 students from a mission in the Mrewa area whose blankets and clothes were taken during the holidays while security forces were in the mission.

These reports suggest a significant increase in the scale of security force operations against civilians, the ultimate aim of which has always been to root out and eliminate possible sources of support and assistance for the guerillas of the liberation movement. They also cast doubt on the suggestion made in the reports of the British team of observers from the Conservative Party, that the regulations governing martial law have been tightened up since its introduction, following reports of wanton destruction of property and other excesses by the security forces. Mr. John Drinkwater QC records in his report of the April elections that up to the end of 1978, martial law was interpreted to allow any officer of the rank of major or above to order the burning of huts or destruction of property. Since early 1979 however, this authority had been reduced, so that by April "no action (could) be taken without the express authority of the National Joint Operations Command in Salisbury". There had been "a considerable decline" in instances of hut burning, crop destruction and the confiscation of cattle as a result, according to Mr. Drinkwater. Lord Boyd reaches similar conclusions in his report. (*John Drinkwater QC, "A Report on the General Election held in April 1979 in Zimbabwe-Rhodesia", 3 May 1979; Viscount Boyd of Merton et al, "Report to the Prime Minister on the Election held in Zimbabwe/Rhodesia in April 1979"*)

ASSAULTS BY SECURITY FORCES

There is evidence that the regime is making some effort to respond to persistent criticism of the security forces by bringing selected offenders to court. A series of cases alleging assault and murder of civilians by members of the security forces and regime officials has been reported in the Rhodesian press in recent months. These trials may serve a useful purpose, as far as the regime is concerned, by demonstrating that positive action is being taken to curb excesses by troops. On the other hand, they cast serious doubt on the regime's frequently repeated argument that the security forces, in which Africans, it is claimed, are now in the majority, have undergone a significant change in character and are now trusted and liked by the majority of the black population.

Four Guard Force members including a keep commander were charged with murder in the Salisbury High Court, in May-June 1979 following the death of a 40-year-old man, Vesi Chibaya, of Musarakufa Protected Village, Mtoko, on 19 April 1978. The four were accused of assaulting him and torturing him to death.

Three of the accused were found guilty of culpable homicide: the keep commander Jose Manuel Martins (28) was sentenced to eight

years imprisonment, his second in command, Corporal Cuthbert Govesa (32) to seven years, Edward Muchiwa (47) was sentenced to four years and the fourth accused, Christopher Chimana (19) was found guilty of common assault and sentenced to three years (two suspended). They were all granted leave to appeal.

Before passing sentence, the former Chief Justice Acting Judge Sir Hugh Beadle, said it was "the worst case of culpable homicide that I have ever tried during my whole career." During the trial the court heard that Vesi Chibaya had been accused of stealing R\$52 from a teacher's house. Someone else was later found to be responsible for the theft. The Guard Force men were alleged to have assaulted and tortured Mr Chibaya for two days and then tied him to a tree where he was found dead the next day. They had repeatedly ducked his head in a bucket of water to force a "confession" out of him, and had beaten him with a hosepipe. They had also tied his hands and legs to the pillars of a water tower in a position described by witnesses as "like a frog".

The acting judge said the court was satisfied that Martins ordered most of the assaults. Martins admitted administering electric shocks

and had been present at the last beating of Mr Chibaya on 20 April and had sprinkled salt on Mr Chibaya's body. The acting judge said Govesa and Muchiwa were not coerced by Martins but were enthusiastic participants. (RH 25/30.5.79, 1/2.6.79)

Two members of the security forces who committed what a Bulawayo magistrate called "brutal and senseless" assaults on tribesmen in the Tjolotjo area were each jailed for 15 months on 6 June 1979. The men, Ian Charles Soutter (27) and Morgeas Nay Naidoo (20) were found guilty of assault with intent to do grievous bodily harm.

Giving evidence against the men, Mr Francis Ncube said when he found soldiers assaulting people at his father's store he went and reported it to the police. When he returned to the store, Soutter struck him with a gun butt and asked why he had called the police. Later Soutter shot him in the leg near his house. Naidoo then took Mr. Ncube to the local hospital. While he was lying on a stretcher being treated by a medical assistant, Naidoo struck him about the head and body with his rifle butt for several minutes. He then took a pair of surgical scissors and cut Mr Ncube on the

contd. on p. 12

A PERSONAL ACCOUNT BY A DEFENDANT IN A SPECIAL COURT MARTIAL

The following description of arrest, detention and trial under martial law was given exclusively to IDAF by the person concerned. She left Rhodesia after the events described occurred. Her story is published here in view of its importance as one of the few available accounts of conditions in the martial law areas. This is a personal account; the events described were never reported in the press — the source normally used by *FOCUS*.

The police were threatening that they were going to shoot me because my husband was an enemy of the government. They said if I was not killed I would be detained for life.

Early in 1979 things got worse. My husband was no longer able to come home. The security forces threatened to shoot him. In February early in the morning the security forces surrounded the business premises with guns. They ordered me out and all the workers. We were put into a truck and carried to a detention centre in the TTL.

The detention centre consisted of a number of small buildings surrounded by a fence. There were about 100 other detainees, women, girls, boys and men. We were put into a small room about 12 feet square without windows, containing 30–40 other women. We were without blankets, without food. There was no water to wash. The toilet was a hole outside.

We were detained under the martial law regulations. They accused me of feeding freedom fighters, and of failing to report the presence of freedom fighters. They pointed out that I was able to move around the area freely whereas the security forces could not.

The rooms were so crowded at the detention centre that you could not stretch your legs. You could not lie down to sleep but just had to sit up day and night. You could not change your clothes nor wash.

Food was cooked in a common dirty pot. The mealie meal that was used was mixed with stones and dirt. We were given one meal a day. During the night all the young girls were taken by the police. They were beaten every day.

They were raped every day. They were forced to accept that they were cooking for freedom fighters. The security forces openly said that if the "boys" raped them, why should they not do the same. There were both black and white members of the security forces at the detention centre, which was also a rest camp for the security forces.

We were forced to run every morning. Some were fainting. After running we would be interrogated once more. The interrogation was carried out by black troops.

Every day we would wash, cook and collect firewood for the security forces. The men detainees were digging holes and carrying stones on their heads. They were clearing the place, taking off the trees and putting in fences. The security forces wanted to make the place clear so that they could see anyone moving in the neighbourhood.

After three weeks I was transferred to a small town, the centre of the TTL. My workers stayed behind in the detention centre. Our shop and business were left open. We lost all during that time.

In the town I was kept in a cell to myself in the police station, still under the martial law. There were no windows. I was given food through a tiny window. Each morning I was forced to repeat a statement in which I admitted all the charges. They told me if I should deny they would kill me straight away. Every morning I was reciting the statement. The black police hit me. I could see the security forces beating others. My husband was not allowed to see me. I was not allowed to speak to anybody. I was not allowed to speak to any lawyer.

In March, more than a month after my arrest, I was told that I was going to attend my court martial. I was told that all my five workers were going to accuse me, and three other state witnesses. I believed it because I had already seen some cases like this before. I know that they force matters. I was taken in a landrover for about 80 miles by the Member-in-Charge.

The court martial was held in the District Commissioner's office. My husband, who had managed to find out where my trial was being held, came to me as the police were guarding me. He firmly said: "Be strong. Don't be afraid. I will take care of the children. You will join

hundreds of other innocent women".

The trial was in camera. There were 10 security force officers on the bench, including four white farmers. They were wearing uniform. A defence lawyer came into the room but he was told to go out. I saw him but we never talked. The president and the other members of the court martial were sitting on a bench with a table in front of them. I was with a policeman and the Member-in-Charge. I was not feeling well so I was told to sit down. My husband was allowed to come in but he was not allowed to say anything.

The Member-in-Charge presented the case against me. I was accused of aiding freedom fighters. I was accused of failing to report their presence and that I was able to move freely in the area whereas the security forces could not. The witnesses were brought in one at a time. All the witnesses declared that they were forced to allege that I was feeding and failing to report the presence of the freedom fighters. They all claimed my innocence. The people on the bench just sat listening. The court went on all day from 9 am to 12.30 pm and from 2 to 4 pm. The Member-in-Charge tried to persuade the witnesses to accuse me but all was in vain. All the witnesses claimed that they were told that I would be gaoled for life and also that my husband would be detained and there would be no one to revenge on behalf of us.

Afterwards the members on the bench went into a private room to discuss. I was able to ask the witnesses questions, but the bench did not ask me any questions. The witnesses said that they had been beaten up. The bench were blaming the Member-in-Charge and the police because it was clear that the witnesses had been forced to make statements. The Member-in-Charge said it was not his fault because two other policemen had brought the case forward from the detention centre, and he had not been involved in preparing the statements. Eventually I was simply dismissed and told to go back. I was allowed to join my husband and go back home.

Later the security forces came to our shop. They told me: "We can shoot you and we can do what we want". They came behind the counter and took what they wanted. We closed the shop and moved away.



Pictures from Zimbabwean refugee camps in Zambia. On the left, part of the audience at an 'Open Day' performance of songs and drama; on the right a group from a ZAPU camp for young mothers and children.

Photos: Zenco Cka Nkobi

POLITICAL TRIALS

DEATH SENTENCES UNDER MARTIAL LAW

The names of a further four people sentenced to death by special courts martial have been received by IDAF, bringing the total number of political prisoners known to have received the death penalty under the internal settlement to at least 30. 16 of these have been sentenced to death under martial law.

BENCHARD KATUMBA (19), and his brother LEAVIT KATUMBA (16), were arrested at their home in Boshra Kraal, under Chief Bepura, on the very day that the new constitution of Zimbabwe-Rhodesia came into force and Bishop Muzorewa assumed the office of Prime Minister — 1 June 1979. They were captured by a group of about 12 white members of the security forces, who returned the next day and burnt down the youths' home, destroying a considerable amount of property. The boys' father is dead. On 30 June 1979 both of them were sentenced to death at Sipolilo on conviction of possessing arms of war, a charge which both denied. It is highly probable that the court responsible was a special court martial although this cannot be conclusively confirmed.

SIMON NCUBE and NGWIZI HONATHAN LUBAMBO were sentenced to death by a special court martial at Silobela on 17 November 1978 on conviction of assisting guerrillas to murder a 'sell-out'. They were alleged to have been members of a group of 15 'mujibas' (guerrilla collaborators) who had carried out other such disciplinary killings. In the case of Simon Ncube, both conviction and sentence were subsequently quashed by the special court martial Review Authority, which then directed that the accused be reindicted for trial in the High Court. He was duly sentenced to 2½ years imprisonment by the Bulawayo High Court, on 22 June. (see below under *OTHER CONVICTIONS*) No further information is available on Ngwizi Lubambo.

PETITIONS TO THE PRESIDENT

On 31 July 1979, the Zimbabwe-Rhodesia Cabinet announced that with immediate effect no death sentences imposed by special courts martial would be carried out until they had been considered and confirmed by the regime's President Mr. Josiah Gumede (*FT/RH 1.8.79*).

(Under the martial law regulations, no appeal is possible to any civilian court against a verdict of a special court martial. Death sentences imposed by special courts martial are considered by a Review Authority comprising three senior members of the government appointed by the Commander of Combined operations Lt. Gen. Peter Walls. A number of martial law death sentences are known to have been quashed by the Review Authority, and retrial ordered).

The Cabinet announcement means that the 13 June verdict of the Appellate Division of the Salisbury High Court, which removed the right of a defendant under martial law to petition the President for clemency (see *FOCUS 23 p.5*), has been reversed. It represents a further shift in policy in what is now a long-standing dispute over the activities and jurisdiction of special courts martial between the Cabinet, the judiciary and the security forces. (See also *FOCUS 22 p.12*).

In an amendment to the regulations governing special courts martial, the regime has formalised the Cabinet's latest position. The *Emergency Powers (Special Courts Martial: Martial Law) Regulations 1978* (RGN No.733C of 1978, 23.9.78) state that:

A warrant signed by three or more members of a Review Authority shall be sufficient authority outside a martial law area for carrying out the sentence of death imposed by a special court martial and such sentence shall be carried out by hanging. (*Subsection 3(2)*)

This subsection is now repealed and a new subsection substituted which lays down that no death sentence imposed by a special court martial shall be carried out unless

(a) the trial and sentence have been reviewed and confirmed by at least three members of the Review Authority

(b) the President has decided not to exercise the prerogative of mercy and this decision has been communicated in writing to the Director of Prisons by the Attorney-General (*Emergency Powers (Special Courts Martial: Martial Law) (Amendment) Regulations, 1979* (No. 1), *Statutory Instrument 602 of 1979, 14.8.79*)

HANGINGS TO CONTINUE

It is important to note, however, that the Cabinet's announcement does not imply that hangings will cease, but simply that there is now at least a chance of getting a death sentence commuted at the petition stage. Meanwhile, there is evidence that executions are continuing.

On Friday 22 June 1979, Bishop Muzorewa told a delegation from the Catholic Commission for Justice and Peace that he was sympathetic to pleas for mercy based on humanitarian grounds, and that he would carefully consider a request from the Commission for a moratorium on martial law hangings. It was subsequently learnt however, that hangings under martial law had been resumed at Salisbury Central Prison after a 10 week break, on the very morning of the meeting with the Bishop.

On 24 June the following telegram was addressed to Bishop Muzorewa:

"Sir,

We have just been informed that martial law hangings have been resumed. Perhaps you have not been told of this. We appeal to you as our Christian leader. Many people are deeply disturbed that in these changing and confused times such irreversible actions are performed. Death is final and there can be no compensation. We must all bear the responsibility. For the love of God will you not do all possible in mercy and for the sake of justice to stop these hangings. Catholic Commission for Justice and Peace."

Despite this appeal, the IDAF was informed on 12 July that a further three individuals (or possibly three groups of individuals) had been hanged in the previous week.

In a letter dated 30 August 1979 to lawyers inside Rhodesia, the Secretary to the Cabinet Mr. George Smith has confirmed that executions are likely to continue. In a reference to the Cabinet's announcement of 31 July Mr. Smith stated that: "Cabinet has already agreed those cases where the death penalty has been imposed should be referred to the President in Council to determine whether or not the

sentence should be commuted. No undertaking can be given that the President in Council would uphold every petition for mercy put before him as each individual case must be considered on its merits".

SUCCESSFUL PETITIONS

Three persons sentenced to death by civilian courts since the signing of the internal settlement agreement have successfully petitioned the President for clemency, and had their sentences commuted to life imprisonment:

MUNJODZI MAZAYA (23) was sentenced to death by the Salisbury High Court on 17 March 1978 for recruiting four youths from the Selukwe TTL for guerilla training. His appeal was dismissed in June 1978.

JOHN MATTHEW MASEKO was sentenced to death by the Bulawayo High Court on 6 October 1978, on conviction of guerilla activity, armed robbery and arson. He and a co-defendant, Ambrose Ndhlovu, had allegedly been responsible for a number of guerilla attacks in the Bulawayo area, including an explosion at a computer firm.

Appeals were dismissed in January 1979 in both cases. Ambrose Ndhlovu's petition to the President was unsuccessful.

GEORGE MOYO was sentenced to death in February 1979 by the High Court on conviction of possessing arms of war, committing various acts of terrorism, and the murder of an African police reservist killed in an ambush. He was captured in the Lupane area and described as a member of ZPRA. His appeal was dismissed in March 1979.

Five out of a total of 14 death sentences imposed by civilian courts since 3 March 1978 have now been commuted at the petition stage. (See *FOCUS 21 p.3*)

SPECIAL COURTS MARTIAL

It is evident that unusually severe sentences are being handed down by special courts martial. In addition to the death sentences referred to above, notable cases include those of a 15-year-old boy, BIDO CHITSEDZA, and a 16-year-old, DUSTER KATANHA, both sentenced to life imprisonment and 12 cuts for allegedly assisting guerrillas as 'mujibas'. It is highly unlikely that such a harsh sentence would ever have been passed by an ordinary civilian court.

In the letter from the Secretary to the Cabinet dated 30 August and referred to above (see *HANGINGS TO CONTINUE*), the regime has stated that it regards special courts martial as necessary in the present circumstances and that it intends to retain them.

OTHER CONVICTIONS

end May: *Bulawayo High Court*

JOSEPH DALOZA MOYO was sentenced to 7 years imprisonment, and JONAT SIGODO MOYO to 6 years, for attempting to go for guerilla training. They had been convicted on 28 May by the Tjolotjo Magistrates Court.

15 June: *Bulawayo*

THEMBA NTULI (16) was sentenced to 4 years imprisonment (2 suspended), while PAUL LUNGA (20) and NTHANIEL NTULI (25) were each sentenced to 6 years (2 suspended), for attempting to leave Rhodesia to undergo

contd. on p. 11

DETENTION UNDER MARTIAL LAW

A report to IDAF on the situation inside Rhodesia indicates that by August 1979 over 7,000 people were detained incommunicado under the martial law regulations throughout the country. This means that the total number of people detained without charge or trial by the regime is now higher than at any time since the introduction of preventive detention in the late 1950's.

Under the martial law regulations published by the regime in September 1978, a person arrested in a martial law area may be detained by the security forces without charge and on an indefinite basis. Such powers of indefinite detention were previously the prerogative of the Minister of Law and Order. The "security forces" are in fact defined extremely widely in the regulations, to include virtually all civil servants, together with the police and the police reserve (comprised of local white farmers and other civilian volunteers), the army and airforce, employees of the Ministry of Internal Affairs, and any persons considered to be "assisting" the security forces — a proviso which appears to include members of the auxiliary forces or private armies, and foreign mercenaries employed as farm security guards or vigilantes.

A martial law detainee may either be held in a special detention camp set up by the security forces for the purpose (see *AN ACCOUNT BY A DEFENDANT IN A SPECIAL COURT MARTIAL*) or in a conventional prison or detention camp "as if he had been detained pursuant to an order issued by the Minister

(of Law and Order)". All that is required in the latter situation is a written order signed by a "member of the security forces" for delivery to the person in charge of the place of detention. Such a detention order cannot be challenged or queried by any court of law. Even if the state of martial law under which it was issued is terminated, it remains in force until formally revoked by the Minister of Law and Order after consultation with the Minister of Combined Operations. (*Emergency Powers (Maintenance of Law and Order) (Amendment) Regulations 1978 No.10, Rhodesia Government Notice No.733D of 1978, 28.9.78*)

Under martial law, persons arrested and detained without charge cannot even claim the minimal rights available to those detained in the conventional way under the Emergency Powers regulations. A person who has been issued with an indefinite detention order by the Minister of Law and Order has to be brought before a specially constituted Review Tribunal at least once a year to have his order reviewed, and has the right to be legally represented at this. Furthermore, he or she is regularly visited by the International Red Cross. Under martial law, however, there is no provision for indefinite detention orders to be reviewed by any civilian authority, and the International Red Cross has been denied access to martial law detainees.

Persons arrested under martial law can very easily disappear without trace. According to the legal expert Professor Claire Palley, who visited Rhodesia in the weeks preceding the April 1979 elections: "Lawyers who inquire are informed by the security forces that martial law requires no further answer to be given". (Claire Palley: "Memorandum on the Rhodesian

Election Campaign, on whether Elections were Fair and Free, and whether Principles Required for Rhodesian Independence have been Satisfied", 19 April 1979).

Persons detained under martial law are known to be held at Khami Maximum Security Prison, Chikurubi Maximum Security Prison and Wha Wha Detention Centre, among other regular prisons.

According to the London *Guardian*, an estimated 15,000 people have been detained without trial over the 12 months since martial law took effect in September 1978. (GN 4.9.79)

"POLITICAL PRISONERS IN RHODESIA IN 1979"

In October 1976, the International Defence and Aid Fund published a Fact Paper listing the names of 1,839 convicted political prisoners, detainees and restrictees at that time held in prisons in Rhodesia. The Fact Paper was circulated to the delegations attending the Geneva constitutional talks. (*"Ian Smith's Hostages", IDAF 1976*)

In September 1979, all the evidence available to IDAF points to the conclusion that there are more political prisoners in Rhodesia than ever before. In a publication prepared for the start of constitutional talks at Lancaster House, London, the Fund has recorded the names of

- 1,503 convicted political prisoners currently serving sentences, the great majority under the Law and Order (Maintenance) Act
 - 196 persons detained on an indefinite basis under the Emergency Powers (Maintenance of Law and Order) Regulations
 - 152 persons sentenced to death since the introduction by the regime of secret hangings in April 1975. (A few of these are unnamed)
- a total of 1,851 political prisoners.

These are simply names that are known; hundreds of people have disappeared following their arrest by the police or security forces so that their present whereabouts and status are in doubt. Hundreds of others are at any time detained on a short term basis under the emergency regulations, which empower the police to hold suspects for interrogation purposes for up to 60 days without charge. Thousands of others are detained under martial law (see below) (*"Political Prisoners in Rhodesia in 1979" — A complete list of known names and biographical details together with background information prepared by the International Defence and Aid Fund for Southern Africa, September 1979*)

contd. from p. 10

guerilla training.

22 June: *Bulawayo High Court*

SIMON NCUBE and LUKA LUBAMBO were each sentenced to 2½ years imprisonment, and ROBSON LUBAMBO, FAYISON LUBAMBO and PETROS NCUBE each to 2 years, on conviction of assisting to murder an alleged 'sell-out'. Simon Ncube had previously been sentenced to death by a special court martial. (See above under *DEATH SENTENCES*)

29 June: *Umtali Magistrates Court*

DAVID MUKEREDZI was sentenced to 5 years imprisonment (2½ suspended) on conviction of failing to report guerillas in May 1978. He was acquitted on a main charge of assisting guerillas.

4 July: *Salisbury High Court*

PINARI NLEYA (18) was sentenced to 15 years imprisonment on conviction of possessing arms of war. According to a statement of agreed facts Nleya and his brother were taken to Botswana by a group of guerillas in December 1977. Nleya subsequently underwent seven months of guerilla training in Zambia. He entered Rhodesia with a guerilla group in August 1978 and was captured by security forces three months later at Makuvalo Kraal, Sanyati TTL. In passing sentence the court took into account the accused's youth, assessed by a dental examination. (RH 5.7.79)

FURTHER CASES

17 July: *Harare Magistrates Court*

STANFORD CHAMBURUKA (21) appeared before the court in connection with a guerilla attack two weeks previously on the home of Archbishop Cyril Papadhopoulos of the Greek Orthodox Church, in Churchill Avenue East, Salisbury. The house was attacked with small

arms and rocket fire in the early hours of 4 July.

Neither the Archbishop nor his two sisters, who were in the house at the time, were injured in the attack.

The accused was not asked to plead and was remanded in custody until the end of the month. The state's case alleges that he had accompanied a guerilla to the Archbishop's house on 4 July (BBC 5/6/19.7.79; RH 18.7.79)

17 July: *Bulawayo*

LOVEMORE ZISWA, a resident of the Shangani area of West Nicholson, was due to appear on charges of assisting guerillas. He was arrested at the end of April and held in Grey Street prison, Bulawayo.

27 July: *Harare Magistrates Court*

BERNARD NYAKUWA (phonetic), described as a trained guerilla operating under the alias of Johnny Hondo, was charged with murder and acts of terrorism. The accused, who was wounded and captured during a recent contact with security forces in the Mtoko area, is alleged to have manufactured a time-bomb which detonated in a sanitary lane between Sinoia and Victoria Streets, Salisbury, in April, and to have been responsible for a time-bomb blast at Sunray store, Mrewa, in early May. (BBC 30.7.79)

APPEALS

An appeal by JACOB GIDEON RASHAYI against a total prison sentence of 26 years imposed on four counts relating to acts of terrorism was dismissed on 16 March. The accused had been convicted by the Salisbury Regional Court on 26 January, on charges of accompanying guerillas to rob and burn stores in the Chiredzi area at the end of 1977. (FOCUS 21 p.3, where the sentence was incorrectly reported as 17 years)

REQUEST FOR RELEASES REFUSED

The regime announced at the beginning of September that it was not prepared to release certain members of the Patriotic Front from detention in order that they might attend the forthcoming constitutional talks at Lancaster House, London. A statement issued by the Secretary to the Cabinet, Mr. George Smith, revealed that a request for their release had been relayed through the British government. However, the statement continued, the regime's Cabinet had decided that the request "was made merely for the sake of political propaganda and was not *bona fide*... the release of such persons would not be in the interests of the security of Zimbabwe Rhodesia" (*BBC 6.9.79*)

Leading members of the Patriotic Front who remain in detention include:-

The Revd. Canaan Banana — publicity secretary of the People's Movement (the organisation of supporters of ZANU (Patriotic Front) inside Rhodesia). He has been in detention since January 1977. Revd. Banana is a former deputy president of the African National Council formed in 1971 to oppose the Smith-Home settlement proposals, and he served as the ANC representative in the United States. He spent several months in prison in 1975—6 on conviction of leaving Rhodesia illegally, and was again detained in 1976. He was released on restriction to join Bishop Muzorewa's delegation to the Geneva constitutional talks in October 1976 but shortly after made it clear that his sympathies lay with ZANU (Patriotic Front). He is currently in Wha Wha.

John M.M. Chirisa (50) — he has been actively involved in nationalist politics since the early 1960's and was an early office-bearer in ZAPU. In 1964 he was detained in Wha Wha for three months. In 1965 he was again arrested and sent to Gonakudzingwa detention camp for a year. On his release in August 1966 he was rearrested within two months and spent the next four years in Gonakudzingwa. He joined the ANC on its formation in December 1971 and became its deputy publicity secretary, subsequently treasurer, deputy national organising secretary and finally secretary-general.

In 1973 he was again detained on an indefinite basis, this time at Wha Wha. He was released in January 1976 to enable him to take part in constitutional talks between the regime and a delegation led by Joshua Nkomo, and was later appointed the national organizing secretary of the ANC (Zimbabwe), which had by this time, following the breakup of the old ANC, assumed a clear identity as the organization of ZAPU (Patriotic Front) supporters inside Rhodesia. In May 1977 John Chirisa was charged with recruiting 35 people for guerilla training and appeared before a special court. Despite being found not guilty he was immediately detained, at first for 30 days and later under an indefinite detention order. He is now in Wha Wha.

Enos Nkala (46) — a founder member of ZANU who was serving as its treasurer general when detained in August 1964. He had previously served a two year prison term for making subversive statements. He was released in February 1975 after more than 10 years in detention. In April 1976 when he was serving as acting deputy secretary of Bishop Muzorewa's UANC, he was detained following a police raid on the party's headquarters. He has been detained continuously since that date in Que Que, Gatooma and Wha Wha.

Munetsi Mark Chayambuka Nziramasanga (48) — a long-standing member of ZAPU who served a nine-month prison sentence in 1959 when a branch secretary in Umtali of the Southern Rhodesian African National Congress. He was restricted for three months when ZAPU was banned in September 1962. In August 1964 he was detained at Wha Wha and subsequently restricted. He became secretary for labour of the ANC following its formation in December 1971 and later deputy secretary for publicity of the ANC (Zimbabwe). He was detained again in September 1978 at the time of the introduction of martial law. (*This information is taken from "Political Prisoners in Rhodesia in 1979", a complete list of known names and biographical details, together with background information prepared by IDAF for the start of the Lancaster House constitutional talks, September 1979*)

On 3 July this year, the regime's Ministry of Law and Order announced that 141 predominantly ZAPU detainees were being released as they no longer constituted "a threat to public security" (*FOCUS 23 p.7*) Those released include **James Bassopo-Moyo**, treasurer

of the People's Movement; **Welshman Mabheha**, **William Dhlamini** and **James Dhlamini** of the ANC (Zimbabwe); **Eric Gwanzura**, treasurer of the People's Movement; and **Albert (Joe) Taderera**, a national official of the People's Movement. (*See FOCUS 19 p.9*)

There have been no further large scale releases. On 8 August 1979, the Minister of Justice told UANC MPs who had asked for the release of all convicted political prisoners and detainees regardless of their political affiliations, that the release of political prisoners had to be carried out selectively. He explained to the Zimbabwe-Rhodesia House of Assembly that it had been decided to release prisoners convicted of security offences if this would assist the regime's amnesty campaign. Prisoners would not be released if it was thought that they would create a security risk. (*BBC 11.8.79*)

On 5 August 1979, Bishop Muzorewa was asked during an interview for British Independent Television whether he thought it would contribute to his declared aim of building a democratic society in Zimbabwe if he released various African nationalist leaders, such as the Reverend Canaan Banana, from prison and detention.

Bishop Muzorewa replied:

Well, I think there is something there. I hope that you will take this as honest and (the) truth from me. I think there is misunderstanding of that part of the game. It has been clearly announced here that all the Africans who want to come back, who want to live in this country, wherever they were, whether they were in prison or outside or anything, it doesn't matter, it could be even some people who were under sentence of death. They have been released and are free, as long as they say: 'Now is the time to work for the establishment of freedom constitutionally' — all are, without exception, asked, and can come and be free. Now, I don't want to hide this, there are some people who are continuing, who are saying now that they want to continue the gun. Now, I don't think that we should be so stupid or try to pretend that we are holier than any other, to say that we can now let them go around and influence people and to use guns. Definitely not, of course not. (*ITV, London 5.8.79*)

contd. from p. 8

chest, causing superficial wounds. A doctor who tried to intervene was threatened by Naidoo who pointed his rifle at him.

The magistrate said on sentencing the men that he was satisfied that they had assaulted Mr Ncube, and that the assault was "completely unjustified." He said both men were in an operational area that was "heavily infiltrated by terrorists" and were off duty. (*RH 7.6.79*)

Two district assistants who beat up a man because he had no registration certificate were sentenced to five years' imprisonment after being convicted on 6 June in the Bulawayo Regional Court of culpable homicide. The two convicted men are **Jotham Masuku** (23) and **Jeffrey Ndlovu** (32).

The court was told that the two accused took Mr Mpala off a bus at the Lupane business centre because he had no registration certificate. Masuku admitted he hit Mr Mpala

"many times" with a gun butt. The next day Mr Mpala reported what had happened to Lupane Police Station. He was then taken to St Luke's hospital where he died the same day. (*RH 7.6.79*)

What is noteworthy here is that in two of these cases the victim died and yet the accused were not convicted of murder, even though the presiding officers in the court found them guilty of unjustified assaults and torture which led directly to the deaths of their victims.

A perhaps even more alarming case is that of a white farmer, also a police reservist, who admitted flogging a black woman with a rhinoceros hide whip while interrogating her. He was found not guilty of assault.

The man, **Robin Everard Hulme**, appeared in the Salisbury Regional Court in June 1979 charged with indecently assaulting a woman in the Mangwende Tribal Trust Land in January. Hulme admitted that he struck the woman on

the body with a whip but denied that this constituted indecent assault. Evidence was led that the woman, who is married with three children, was forced to undress and was then whipped on different parts of her body. Her husband told the court that he was working in a field near his home when his wife came running to him after the assault. She was distressed and her body was covered in weals. The injuries were mainly to the upper part of her back, her breasts and her thighs, he told the court.

The prosecutor said that as a member of the Police Reserve Hulme had been one of a "stick" of four mounted policemen who were following up a "terrorist contact" in the Mangwende TTL and they believed that the guerillas were hiding in the area where the complainant lived. The woman had denied knowledge of the whereabouts of guerillas, when questioned by Hulme. On 22 July the magistrate found Hulme not guilty. (*RH 8.6.79; S. Tel 22.7.79*)

TEACHERS ARRESTED OVER WAGE CLAIM

Over 460 black primary school teachers were arrested by the regime in July, and thousands of their pupils sent home, during demonstrations to demand equal pay with white teachers. Spokesmen for Bishop Muzorewa's government dismissed the teachers' action as "irresponsible" and warned that they would not go "unpunished".

Dissatisfaction among black workers with low wages, and anger and disillusion at the failure of Bishop Muzorewa's government to take effective action to close the gap between black and white rates of pay, have developed into one of the most critical issues now facing the regime, after the war itself. In the teachers' case, after petitioning the government for over a year, primary school teachers finally called a series of demonstrations on 18, 19 and 20 July, and threatened to strike on 21 July if their demands were not met. On 18 July, over 550 teachers from the Salisbury townships of Kambuzuma, Mufakose, Tafara and Mabvuku marched to the Ministry of Education and demanded to see either Mr. Edward Mazaiwana, the Minister of Education, or Bishop Muzorewa himself. Their placards read: "A lot of work, no money. This is murder", while some called for the resignation of the Secretary for Education, Mr. A.J. Smith, who served for many years under the Rhodesian Front before his appointment by Bishop Muzorewa's government.

On 19 July, 240 teachers in Bulawayo and 90 in Que Que were arrested after ignoring instructions to disperse, and charged under the Miscellaneous Offences Act. There were also marches in Gwelo and Hartley.

On 20 July a further 134 teachers were arrested in Bulawayo and remanded in custody until 3 August. Hundreds of students at the University of Rhodesia signed a petition in support of the

teachers' demands. (BBC 23.7.79; RDM 19/21.7.79)

A year before, in July 1978, the transitional government had announced a salary review for teachers whose provisions had prompted criticism from both primary and secondary staff. The proposals did not for example do away with substantial salary discrepancies between black primary headteachers and their white counterparts, while a suggested R\$100 a month minimum wage for black teachers was felt to be inadequate. What finally prompted the demonstrations, however, were the repercussions of a promise made by the transitional government that African students who had commenced teacher training during or after January 1976 would be entitled to the same salaries as their white counterparts on qualifying. When the students affected completed their training and took up school posts from January 1979 onwards, their older established black colleagues, with the same qualifications and considerably more experience, found themselves earning sometimes only around a quarter of the salaries being paid to their newly appointed juniors, (R\$100 a month compared with R\$384 a month). (Nat. Obs. 22/29.3.79; RH 7.7.78, 11.8.78)

The Zimbabwe-Rhodesia government, at that time in office for just over seven weeks, reacted unsympathetically to the July demonstrations. Mr. Christopher Sakala, the press secretary of the UANC, said that the teachers were setting "a very bad precedent likely to be emulated by other sections of the civil service". He urged the government to discourage "similar insubordination". Following a cabinet meeting, at which it was agreed to investigate the teachers' grievances "in the normal manner as a matter of urgency", Mr. Edward Mazaiwana said that while the teachers would not be "punished" on this occasion, future demonstrations would not be treated with the same leniency. The protests had tarnished the teachers' image, he said, and had not helped their cause. (RDM 21.7.79; BBC 26.7.79, 4.8.79)

Considerable criticism of the black-white wage gap has been voiced in the Zimbabwe-Rhodesia House of Assembly and there have been calls for the repeal of the Industrial Conciliation Act and other legislation governing labour relations. The regime's argument, which appears to be formulated with at least half an eye on the Western world and its own quest for international recognition, is that it intends to improve wages but that this depends on there being sufficient foreign currency available to

develop industry. (BBC 18/20.8.79, reporting parliamentary proceedings)

Meanwhile, a study published in July by the University of Rhodesia has revealed an absolute decline in the standard of living of urban Africans and has estimated that they are paying half as much again for the basic necessities of life as they did five years ago.

The report, which updates figures collected in 1974 on the poverty datum line (PDL) (defined as the minimum level of income at which African families can maintain "physical health and social decency"), shows that the PDL has risen by 45% in Salisbury over the last five years, 63% in Bulawayo and 58% in Fort Victoria. It concludes that a family of two in Salisbury needs an income of R\$60.17 a month to remain above the poverty line while a family of eight needs R\$143.22. The report does not however take account of additional factors such as the increasing number of refugees entering urban areas from the war zones, many of whom seek assistance and shelter from relatives already living in towns. The report's author has made it plain that its conclusions are based on "a very austere assumption which often does not reflect the reality in which urban African families live". The study does not attempt to assess how many families are in practice living below the poverty line. (BBC/GN 17.7.79; Nat. Obs. 16.7.79)

Publication by the University of the 1974 PDL study was preceded by demonstrations by black students alleging that university manual labourers were themselves the victims of low wages. There were also instances of industrial unrest at factories. (S. Post 15.7.79)

In the two sectors of African employment which are at once numerically the largest and the lowest paid — agriculture and domestic service — estimates based on figures published by the regime's Central Statistical Office show that the average wage in 1978 for agricultural labourers was R\$29.44 a month while for domestic servants it was R\$38.87 a month. A minority of white farmers do not pay their black labour force any cash wages at all, but only give them remuneration in kind — housing, land, rations and clothing. (Nat. Obs. 19.7.79)

Earlier this year the regime's Central Statistical Office stopped publishing separate figures of wages and employment for each racial group (Europeans, Asians and Coloureds, and Africans) so that it is no longer possible, at least on the basis of the information in the official Monthly Digest of Statistics, to calculate black-white wage discrepancies.



namibia

PRISONERS OF WAR

130 Namibians captured by SA forces in Angola in 1978 are still being held under conditions which clearly contravene the Geneva Conventions relating to the treatment of prisoners of war. The prisoners have been detained incommunicado without charge or trial for well over a year and according to reports have been subjected to physical maiming and other forms of brutality.

The Namibians concerned are victims of the SADF's bombing raid on Kassinga refugee camp in southern Angola in May 1978. According to the South Africans about 200 prisoners were brought back to Namibia, of whom 68, including a number of Angolans, were released within a few weeks. (*FOCUS 17, p.8*)

In May 1979 the names of 130 of those prisoners of war still in detention were made available to the UN Secretary General by the President of the UN Council for Namibia (*Letter dated 8.5.79, UN document A/33/562, S/13310, 17.5.79*). The prisoners are believed to be detained under Section Six of the Terrorism Act in what amounts to a concentration camp at Hardap Dam, near Mariental in the south of Namibia. They have been denied access to lawyers. An eye witness account from two persons who were detained in the camp for a short period states a number of the detainees have had limbs severed from their bodies, many of them have had eyes and ears removed while others bear scars and burn marks from torture. (*SWAPO News Brief, London, 25.7.79*)

The inmates of Hardap Dam are further reported to be required to do hard labour such as digging, road construction and felling trees. During the December 1978 elections in Namibia, a number of them were brought out of the camp temporarily and forced to denounce SWAPO and urge people to vote. (*SWAPO Information & Comments, Lusaka 20.7.79*)

40 of the detainees are believed to have since been transferred to Gobabis prison where they were however separated from the AG26 detainees.

Previous evidence that the Kassinga prisoners were tortured on being brought back to Namibia has been reported in *FOCUS* (No.18 p.15)

The SA Minister of Foreign Affairs Mr. Roelof Botha, has denounced SWAPO's allegations about Hardap Dam and other detention centres (see below) as "wild untruths" (*BBC 30.7.79*). Two international organisations, Amnesty International and the International Commission of Jurists, have been requested by SWAPO to send a team of lawyers to Namibia to investigate allegations of brutality and torture of prisoners. (*MS 24.7.79*)

DETENTION CENTRES

In addition to the camp at Hardap Dam, SWAPO has reported that detention centres have been or are being established by the SA

authorities at locations throughout the country. These include Windhoek, Tsumeb, Oshakati, Ogongo, Okakarara, Runtu, Gobabis, Luderitz, Onunu, Buffalo, Oshipata, Arandis/Rongwyn, Keetmanshoop, Mpacha, Otjozundu, Katima Mulilo and Walvis Bay. As many as 5000 detainees are allegedly being held at an open-air detention centre near Windhoek, under the terms of Proclamation AG 9 of November 1977. These detainees were arrested in a police purge on Katutura township in June. (South African sources reported that between 1500 and 2400 people were arrested — see *FOCUS 23 p.2*). Five of the detainees are reported to have died of starvation and exposure after being held for five days without food or water while others are seriously ill. (*SWAPO News Brief, 25.7.79*)

AG 26 DETAINEES STILL HELD

At least 58 SWAPO officials and members, most of whom were arrested at the end of April 1979, are still in detention under the Administrator General's Proclamation AG 26 of 18 April 1978. The detainees were at first held at Gobabis but are believed to have been transferred to Windhoek in August in an attempt by the police to break a hunger strike. The detainees are reported to have decided on this protest action on learning of the resignation of Justice M. Steyn as Namibia's Administrator-General and his replacement by Professor Gerrit Viljoen, the Chairman of the Broederbond. (*WO 18.8.79, 1.9.79*)

On 23 July the *Windhoek Advertiser* reported that the release of Mr. Mokganedi Tihabanello, SWAPO publicity and information secretary inside Namibia, after two weeks in detention, left 67 SWAPO members still in custody under AG 26. According to the *Windhoek Observer* 71 SWAPO officials and members were detained under AG 26 at the beginning of September 1979. On 12 September, the SABC reported that 14 AG 26 detainees had been released, leaving 58 out of a total of 72 still detained. (*WO 1.9.79; WA 23.7.79; BBC 15.9.79; FOCUS 23 p.2*)

POWERS OF INTERROGATION

Fears for the safety of the AG 26 detainees have increased following the gazetting, on 18 May, of an amendment to AG 26 providing for the interrogation of those held under this Proclamation. Proclamation AG 26, *Detention for the Prevention of Political Violence and Intimidation Amendment Proclamation, 1979* (*SWA Government Gazette 18.5.79*) provides for interrogation by a justice of the peace at the place of detention. Under the original provisions of AG 26, a detainee could only be questioned if the authorities were satisfied that a statutory offence had been committed, and even then the person had to be redetained under some other legislation (*FOCUS 17 p.10; Information & Comments, published by SWAPO Western European Office Vol.1. No.2. August 1979*)

CHURCHMAN DETAINED

South African troops who raided St. Mary's Anglican Mission at Odibo in Ovamboland on Friday 17 August arrested Archdeacon Philip Shilongo and detained him under AG 26. Archdeacon Shilongo, who is the most senior Anglican churchman in the north of Namibia, was taken from St. Mary's to a military camp at Etale and from there to Oshakati. He was previously detained in July 1976. (*SWAPO Information & Comments Vol.1. No.2; WA 23.8.79; FOCUS 6 p.3*)

On 22 August Maj-Gen Geldenhuys, OC SWA Command, announced that SA security forces had seized SWAPO propaganda material from St. Mary's during the raid, prompted by reports that SWAPO guerrillas regularly visited the mission. The material confiscated included a Scandinavian slide-show, two capsules of vaccine for fatigue, a SWAPO membership card and T-shirt, an article by the exiled Bishop Colin Winter and a number of SWAPO pamphlets. The Rt. Rev. James Kauluma of the Anglican church in Windhoek subsequently pointed out that as the mission was open to the public the material confiscated could have come from any source. It certainly did not warrant Archdeacon Shilongo's arrest, he said. (*RDM 23.8.79*)

On Sunday 29 July armed SA soldiers reportedly disrupted a church service at Ondobe by entering the building, including the sanctuary, and telling the Pastor that the women and children should leave. Men attending the service were asked for their identification cards and two people, Mr. Josef Hamutenya, a school teacher, and Mr. Leevi Shakela, were arrested.

A spokesman for the Ovambo-Kavango Lutheran Church further said that SA soldiers had broken into a girls' secondary school near Ondobe, damaged doors and windows and took food. (*WO 11.8.79*)

At the end of July, SWAPO reported that its sources had uncovered a plan by the SA authorities to destroy the headquarters at Oniipa of the Evangelical Ovambo-Kavango Lutheran Church (ELOK). The attack would have been attributed to SWAPO. In 1973 a printing press belonging to the Lutheran church at Oniipa was destroyed in a bomb explosion believed to have been instigated by SA forces. (*SWAPO Information & Comments Vol.1. No.2*)

VILLAGERS MASSACRED

According to SWAPO a number of villagers from various places in northern Namibia were rounded up by SA troops on 21 May 1979 at Ongula ya Netanga, east of Oshigambo. They were forced into deep ditches and those suspected of supporting SWAPO were bayoneted to death. (*SWAPO News Brief 25.7.79*)

SA RAIDS INTO ANGOLA

In July the Angolan government submitted to the United Nations Secretary-General a comprehensive report on "the Human Casualties and Material and other Damage resulting from Repeated Acts of Aggression by the Racist Regime of South Africa against the People's Republic of Angola" (UN Security Council Report S/13473)

This records in detail each act of aggression against Angolan territorial integrity from 27 March 1976 to 11 June 1979. During this 27-month period the South African Defence Forces (SADF) were responsible for 94 air space violations, 21 ground infiltrations, 21 border provocations, seven artillery bombardments, 193 armed mine-laying operations, 25 attacks by ground forces, 24 aerial bombardments and one large combined operation involving ground and air forces.

As a result of these attacks, a total of at least 1383 people were killed and over 1800 wounded. These were as follows:

	DEAD	WOUNDED
Angolan		
nationals	570	594
Zimbabweans	198	600
Namibians	612	611
South African		
refugees	3	8

These represent only confirmed casualties; as the Angolan report points out, some may have been unrecorded. An appendix to the report carries the names and brief details of all Angolan nationals known to have been killed as a direct result of South African attacks. The names of the 813 others (Zimbabwean, Namibian and South African refugees) killed are withheld, "since their families in their respective countries might become the target of reprisals."

A detailed list of each recorded act of aggression is also presented in a chronological table, beginning on 30 July 1976 at 03.30h with a SAAF aircraft overflying the Ruacana frontier post and continuing through nearly 200 items to 11 June 1979.

Those resulting in casualties since the wave of attacks recorded in FOCUS 21 p.7 are as follows:

13 March — air and ground violation at Namacunde and Xangongo; bombing by Mirage and Canberra planes, causing 5 deaths and 7 wounded.

14 March 0700h — SA aircraft bombed ANC refugee camp at Catengue in Benguela province, killing 3 and wounding 8. Also destroyed were a school, a small hospital, 20 other buildings, two warehouses containing food supplies and a quantity of vehicles, equipment and oil.

14 March 1600h — SA aircraft bombed the Cahama area, killing 5 and wounding 12, and destroying two schools, 12 FAPLA barracks and several tons of food.

14 March — SA helicopters bombed Chiede, killing 4 persons.

19 March — SADF troops laid mines and attacked vehicles on roads in the Ngiva area, killing 7 and wounding 24 civilians and killing 4 FAPLA soldiers.

21 March — a bombing attack on Xamavera left two FAPLA dead and 7 wounded.

29 March — napalm attack on frontier area, killing two persons.

3 April — Mirage aircraft bombed Chiede area, killing one civilian and wounding 13.

8 April — artillery bombardment at Cuangar and Calai; three civilians killed and 9 wounded.

10 April — bombing attack in frontier area; 5 dead, 5 wounded.

12 April — bombing attack on Ombelayo Mungo commune; 2 dead, 2 wounded.

13 April — air attack in Cuamato area; 1 dead, 2 wounded.

19 May — SADF/UNITA ground attack on Calai; 3 dead, 3 wounded. Also troops landed in Xangongo area, killing 4. The entire frontier installations at Ruacana destroyed by shelling.

22 May — ground attack in frontier area, 3 dead, 9 wounded.

9 June — bombing attack on Iona village; 1 dead, 5 wounded.

10 June — ground attack in frontier area; 1 dead, 3 wounded.

11 June — bombing attack by Mirages and Canberras on Humbe village, killing 8 and wounding 14. The target was a civil engineering base, and several large pieces of construction equipment were destroyed together with fuel supplies. A school and student accommodation were also destroyed.

According to the Angolan report, these South African attacks involve large areas of Angolan territory, containing over one million inhabitants, together with thousands of refugees. The attacks

"have resulted in the destruction of our country's basic infrastructures and forced our government to divert a considerable portion of national resources from economic reconstruction to the defence of territorial integrity, for the protection and rehousing of the people who have been victims of the attacks. The systematic series of violations, provocations and acts of aggression are aimed at creating a climate of insecurity and

fear, and are part of a concerted plan for the destabilization of political, social and economic life in the People's Republic of Angola in particular and in Southern Africa as a whole".

ATTACKS ON ZAMBIA

In a letter made public on 17 September 1979, the Zambian representative at the United Nations Mr. Paul Lusaka has stated that over the period January to September 1979, South African warplanes, ground and waterborne troops violated Zambian air space and land, mainly in the Western province bordering Namibia. SA troops carried out "indiscriminate acts" on innocent inhabitants of several villages in the Province, causing considerable loss of human lives and property. Mr. Lusaka, whose letter gave details of the attacks, said that they had recently increased in intensity and frequency, thereby threatening the security and peace of the region. (BBC 20.9.79, reporting Lusaka radio)

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TRADE UNION RIGHTS DENIED

The majority of workers in South Africa are to be excluded by law from membership of a trade union. This is the effect of the new Industrial Conciliation Amendment Act, passed by Parliament in June.

According to the White Paper (W.P.S. - 79) issued in response to the Wiehahn Commission, the government, while "fully agreeing with the principle of freedom of association" as the basis of trade union membership is "not inclined to admit large numbers of temporary workers to the trade union movement" (para 6.2.1)

'Temporary' in this context are the permanent contract workers who form the majority of the African labour force. They are mainly migrants: recruited through the segregated African labour bureaux, distributed to factories, farms and mines as required, housed in 'bachelor' hostels and allowed home once a year to see their families. Also excluded are those living in townships that have been incorporated in Bantustans.

South Africa has been under attack from labour organisations for many years because in law white workers enjoyed trade union bargaining rights while African workers did not. The new Act makes a minor move away from this position by allowing the relatively small number of Africans not on migrant contracts but possessing the coveted urban work and residence rights to form their own unions and register for recognition. It does not give them the right, it appears, to join or form 'mixed' or non-racial unions.

Speaking in the Third Reading debate on the Act, the Minister of Labour stated categorically: "I am not prepared to introduce legislation aiming towards total integration in the field of labour" and closed the debate by saying that an

"integrated labour policy is something the government will never adopt as long as we are in power" (*Debates 12.6.79 cols 8514 and 8518*)

The registration and recognition of black trade unions has been presented as a step forward but many trade unionists believe that, to the contrary, it represents the government's determination to control and suppress the growing black union movement. African trade unions have, since the upsurge in labour protest of the 1973 strikes, increased their membership from around 40,000 in 1970 to 100,000 in 1978 (*Sechaba, Aug 79; RP 47/1979 p.15-19*) and the Wiehahn Commission was appointed in response to this.

Registration of African unions gives the state the opportunity to control their activities. As the Wiehahn Report pointed out "Black trade unions are subject neither to the protective and stabilising elements of the system nor to its essential discipline and control; they in fact enjoy much greater freedom than registered unions, to the extent that they are free if they so wished to participate in politics and to utilise their funds for whatever purposes they see fit" (*RP 47/1979 p.18*)

Under South African law, in exchange for statutory recognition, registered trade unions are prohibited from 'political activities'. This prohibition is to remain.

The White Paper recommended that to overcome the problem of unregistered uncontrolled unions, "all labour organisations should be registered and recognition or negotiation with unregistered organisations should, if not prohibited, at least be very strongly discouraged" (para 6.10). It appears that the new legislation does not prohibit the formation of unregistered unions, but it is clear that Africans excluded from registered unions will not be able to use unofficial unions

to represent them. Contract workers will thus be without any effective organisations.

This represents a curtailment of labour rights because up till now African unions have been legal — though not registered — or encouraged — and several have been functioning successfully towards establishing unofficial but working relationships with employers. These unions are faced with the choice of registering and submitting to state control or continuing in the knowledge that they will be firmly prevented from ever obtaining recognition or negotiating rights. (*RP 47/1979; Debates 7/8/11/12.6.79*)

STOP PRESS

Just as *FOCUS* went to press the South African Minister of Manpower Utilisation announced that migrant workers would after all be allowed to join registered black trade unions. Details of this concession are not yet clear, but it seems that the government is intending to use administrative powers to exempt certain workers from the provisions of the law, and union membership will not be a legal right for these workers. (*FT/2GN 26.9.79*) It remains to be seen how many African workers will be exempted and which unions they will be allowed to join.

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