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SWAPO PRISONERS FREED

Twenty-two long term Namibian prisoners who were released on 14 November 1985, pledged to continue the struggle for freedom in their country.

All but one of the prisoners were released from Windhoek Central Prison, where they had been taken in September from South African prisons. The remaining prisoner, Hendrik Kariseb, was released in the northern Namibian town of Grootfontein. (Nam 15.11.85)

Those released in Windhoek included all the remaining SWAPO members who were sentenced with Toivo ja Toivo and other Namibians under the Terrorism Act at a trial in Pretoria in 1967 and 1968. (See list on page 2) Ja Toivo and others were freed during 1984.

Prominent amongst those released was Eliazer Tuhadeleni, one of the Pretoria accused sentenced to life imprisonment. Tuhadeleni and his colleagues have been the focus of an international campaign demanding the release of all Namibian political prisoners.

At least five Namibians remain in long-term imprisonment for political offences, including Veiko Nghitewa and Sam Mundjindji, two SWAPO members who were sentenced to 24 years' imprisonment each on charges of murder arising out of the killing of an announcer for the state radio station in Namibia. (See SWAPO COMBATANTS SENTENCED)

A further seven Namibians are facing trial in Windhoek on charges under the Terrorism Act and the Internal Security Act, and 75 SWAPO members are on trial for holding meetings and demonstrations in and around Windhoek. During November 1985 over 50

Namibians were being detained without trial in terms of emergency legislation. (See page four of this issue)

The first words of some of the released prisoners were for their fellow Namibians and South Africans still in prison or detention. 'I would like to see them released as soon as possible', said Kaleb Tjipahura, who had spent nearly 20 years in prison, mostly on Robben Island, where the prisoners endured harsh conditions, harassment, beatings and forced labour. (See interview with Helao Shityuvete).

There were scenes of jubilation when the prisoners were freed. The men were met by SWAPO leaders and taken to the offices of the Council of Churches where arrangements were made for their welfare and accommodation. They then drove to the township of Katutura in a motor cavalcade, which was greeted by streams of schoolchildren and residents shouting 'A luta continua' - 'The struggle continues'. (WA 15.11.85)

Similar scenes of jubilation greeted the release a month previously of Ida Jimmy, who served her full sentence of five years' imprisonment (reduced from seven years on appeal) for a speech she made at a SWAPO rally in Luderitz. SWAPO supporters, gathered in groups of 10 to 15 to avoid being arrested for constituting an illegal meeting, waited outside the prison gate. Jimmy was hoisted on the shoulders of the crowd and presented with a SWAPO flag. After spending four days in Windhoek, she left for her home town of Luderitz, to pay her last respects to her son Richard. The child was born in prison in December 1980. After 18 months he was taken away from her, and died a year later, while being cared for by Jimmy's mother. Jimmy was refused permission to attend his funeral. (CCN Information 10/85)

Like Jimmy, most of the 22 made it clear that they still supported SWAPO. The Vice-President of SWAPO in Namibia, Daniel Tjongarero, pointed out to the released prisoners

that 'although you are free, Namibia is not yet free'. 'We shall call upon your zeal and courage to work for the freedom of our country', he said. (NCC 14.11.85; Nam 15.11.85)

Credit for the release of the prisoners was taken by the Multi-Party Conference (MPC) administration established by the South African regime. International observers pointed out that the South African regime would be bound to attempt to use the release to promote the MPC Administration, which had been pressing for a hearing at the United Nations. Nico Bessinger, said that the release was the result of years of appeals from SWAPO and the international community. Kaleb Tjipahura stated that there could only be genuine peace and reconciliation in Namibia if UN Resolution 435 was implemented and the people could decide on their own government. 'We will continue the struggle - we cannot rest until Namibia is free', he said. (WA/Nam 15.11.85; WO 16.11.85; NCC 14.11.85; FM 8.11.85)

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namibia

TORTURE AND IMPRISONMENT

HELAO SHITYUVETE INTERVIEWED

In early May 1984, fifteen Namibian political prisoners serving long-term sentences on Robben Island were released after being transferred to Windhoek Central Prison. Their release followed that of Toivo ja Toivo and four of his colleagues who were freed in March. Amongst the fifteen was Helao Joseph Shityuvete, who was arrested in 1966 and tried with Eliazer Tuhadeleni and other Namibians in the Pretoria Terrorism Trial in 1967 and 1968. He was sentenced to twenty years imprisonment on Robben Island. Shityuvete was interviewed in Britain in mid-1985.

'After my arrest in 1966 I was taken with three colleagues to Windhoek. The police questioned us as to whether we were trained guerillas. We denied any connection with military training, so they tortured us by electrocuting us with a rod which was connected to a car battery and gave a terrible shock.

'The following day we were taken to Pretoria, to a local prison where we were all kept in the same cell. One by one they took us away for interrogation, for periods of two to five days. When my turn came, I was taken to the Kompol building. When I got there, I heard people screaming. My hands were tied behind the back of a chair and a wet cloth was used to blindfold me. I felt them tying some wires on my fingers as well as my toes and ears. Then all of a sudden there was an application of electric shocks. After some time — I don't know whether I passed out or what happened — I found myself lying on the floor with my hands still bound behind the chair and the blindfold still on my eyes. I tried to feel myself, but I was very weak...

'The police noticed I was moving a bit so they came and untied me, removed my blindfold and led me into a certain room which they used as an office. There I found two white policemen and one black policeman. They told me to sit down and asked me where I was militarily trained. They kept asking me this again and again, but I kept on telling them that I was not trained. After a while they said it was obvious I did not want to tell the truth. They handcuffed my hands over a pipe on the wall. The pipe was very high and my toes hardly touched the ground. I just dangled. After two or three hours hanging there I found it very difficult to move my limbs. My whole body ached like somebody had thrown burning coals all over me. Then they came with sticks and started swinging me from the pipe and beating me.

'I was removed from the pipe and taken to another office. Then another interrogation began. I found myself being beaten all the time. A police officer would hit me in the face, and when I fell backwards, another one would hit me from behind, sending me forwards again with a clenched fist. These tortures went on for five days.

'Then they changed the tactics and brought in leg irons which they tied around my ankles. They ordered me to do exercises and to walk with the leg irons on. They put a stick through a loop in the leg-irons and pulled me over so I fell on my back. Then they ran, pulling me around the room, while others chased and beat me with sticks. I used my hands to protect my eyes. This was the only part I could pro-

tect. On the eighth day they gave up. They took me back to prison.

'Apart from political prisoners, I think there is one aspect the world appears to disregard, and that is the treatment meted out to the common-law prisoners, the so-called criminal prisoners. These people are the most tortured human beings in South African prisons. Black prisoners were treated like animals'.

After ten months of detention without trial, Shityuvete was tried under the Terrorism Act and sentenced to 20 years' imprisonment.

'On the same day we were sentenced, 9 February 1968, we were taken by truck to Robben Island. We were made to strip naked and then we were given prison clothes. We were not given shoes. The yard outside our cells was covered in sharp stones which are used to tar roads and so forth — to walk barefoot on the stones was very painful. So for weeks we stayed in that section of the prison without going out.

'One morning we were taken to a dumping ground where we were ordered to clean up the rubbish. This went on for about a week. Afterwards we were ordered to clear the dry branches in the wood on Robben Island. At first the warders were reluctant to give us axes, so for three weeks we just broke the wood with our bare hands.

'We were also ordered to work in the quarry, which we found very difficult because the stone was white and it became dazzling. It was hard to work with just picks, shovels and spades, and we did not have anything to protect our eyes from the glare. We couldn't see properly. As a result most of our people now have to wear dark glasses.

'In 1971 we gave a representative from the

International Red Cross some of our complaints. Afterwards we were beaten up. Two of my comrades were locked up and denied food without any explanation. So we went on a hunger strike. In the middle of the night we just heard dogs barking in the passages. Doors were thrown open and five or six warders were ordered into each cell. They ordered us to strip naked and stand against the wall with our arms stretched high and our legs outstretched. They rained blows on us with batons and truncheons. Some of us were badly beaten. The next morning we tried to consult a doctor, but we were refused permission to see him for a fortnight until our wounds were healed.

'Harassments and individual beatings continued, but in 1972 we gave all our complaints and requests to a visitor from the International Red Cross. In 1974, after the third visit from the Red Cross, things began to become a little bit bearable. Pressure from groups like the Anti-Apartheid Movement also helped to better conditions. In 1976, things became worse again when many youngsters from Soweto and the whole of South Africa were brought in. They were subjected to torture and harassment and victimisation.

'On many occasions I was subjected to solitary confinement. Any warder who felt we were misbehaving had the right to put us in solitary confinement for a day without any food. One drinks only water for the whole day. I always suffered from asthma, because the cells were so cold and the exercise was only 15 minutes in the morning and 15 minutes in the afternoon. The solitary confinement is dehumanising and it can psychologically and physically affect people.

NAMIBIAN POLITICAL PRISONERS RELEASED IN NOVEMBER 1985

HALUTENI, Abel
KADHIKWA, Rudolph
KAMATI, Petrus
KANYEULE, Mathias Elias
MOSES, Michael Ifingilwa
NAMBINGA, Rehabeam Olavi
NANKUDHU, Johannes Otto
NUNJANGO, Betuel
SHIFIDI, Immanuel Augustus
SHIHUNGILENI, Simeon K.
SHILONGO, Julius Israel
SHIPONENI, Johannes Samuel
TJIPAHURA, Kaleb Hanganee
TUHADELENI, Eliazer
USHONA, Malakia Shivute
HAITA, Justus Festus
VICTORY, Messah
ITENGULA, Ruben
UULENGA, Benjamin Crispus
IILONGA, Petrus Nangola
PANDENI, Johannes Alfons

Tried in the Pretoria Supreme Court on charges under the Terrorism Act, including conspiracy to incite revolution, armed resistance against the government and administration of South West Africa, receiving training in guerilla warfare. Sentenced to life imprisonment; February 1968

August 1969; Life
June 1977; 12 years
July 1977; 15 years
November 1978; 18 years

NAMIBIAN POLITICAL PRISONERS STILL HELD

JASON, Theofilus
SAGARIAS, Joseph
MWAALA, Angula
KATEKA, Markus
MUNDJINDJI, Sam
NGHITEWA, Veiko Paulus
MALAMBO, Lucius Nangola

June 1982; 9 years
May 1983; 21 years, 11 suspended
October 1983; death, commuted to 17 years on appeal
October 1985; 24 years
June 1982; 11 years; reported escaped, July 1985

DETAINEES

Additional to previous *FOCUS* lists

Approx. date	Place	Name (Age)	Details (where known)
March '85		Toivo Simon KANKONO	Teacher
July '85		Jakob PENDUKI	Rearrested
10.7.85		Lukas NAUYOMA	
10.7.85	Oshakati	Wilbard NEHALE	
Aug. '85	Emono	Modestus NAMBWANDJA	
6.8.85	Emanya	Helmut ANGULA	
6.8.85		Andreas SHAPUMBA	Rearrested
Sep. '85	Oneputa	Immanuel ANDREAS	Ex-employee, Ondjondjo Wholesale
Sep. '85	Oshitayi	Absolom LINUS	Teacher
4.9.85	Oniipa	Markus PAULUS	(Mr Markus in <i>FOCUS</i> 61).
9.9.85		Daniel (Damian) SHIKONGO	Rearrested
11.10.85	Oshikuku	Rev Stephanus AMUSHILA (43)	Catholic deacon, principal. Rel. 14.10.85
11.10.85	Oshikuku	Louise JOSEF (55)	Unconfirmed. Believed injured in raid on home
Rep. 11.10.85	Katutura	Naftali ANDIMBA	Arms caches
11.10.85	Katutura	Tobias ANDIMBA	Arms caches
11.10.85	Windhoek	Matheus GABRIEL	Arms caches
11.10.85	Northern Namibia	Andreas GIDEON	Arms caches
11.10.85	Northern Namibia	Johannes IIPITO	Unconfirmed
11.10.85	Windhoek	Joseph JABULA	Unconfirmed
11.10.85	Northern Namibia	Mvula KAMBEMBE	Arms caches
11.10.85	Northern Namibia	Henok MALAKIA	Unconfirmed
11.10.85	Katutura	Benjamin NAMBA (NAMKE)	Unconfirmed. Brother of Reinhard Namba
11.10.85	Northern Namibia	Reinhard NAMBA (NAMKE)	Unconfirmed. Brother of Benjamin Namba
11.10.85	Northern Namibia	Sakaria NAMWANDI	Detention denied by security branch
11.10.85	Northern Namibia	Velemina NAMWANDI	Detention denied by security branch
11.10.85	Northern Namibia	Petrus (Kakede) NANGOMBE (37)	Teacher. Arms caches
11.10.85	Kavango bantustan	Alfeus Shikongeni NGHIPANDULWA	Arms caches
11.10.85	Windhoek	Veinela PAULUS	
11.10.85	Northern Namibia	Listo (Katanga) SHEYA	Arms caches. (Listo Sheya KATENGO)
20.10.85	Ongenga	Henok SHIFETE (48)	Abducted believed detained
20.10.85	Ogandjera	UNNAMED 3 alleged guerillas	Alleged sabotage. Captured by 'Security Forces'
22.10.85	Tsandi	Rev Junius KAAPANDA (52)	AG9. Lutheran pastor. Det. 1975, 1981
22.10.85	Ombalantu	Heikki SHILILIFA (40)	Teacher, Uukwandongo Primary School
22.10.85	Onangodzi	Kamboy WILHELM (17)	School pupil. Unconfirmed
End Oct.	Katima Mulilo	Richard KAMWI	AG 9
Rep. 1.11.85		Festus ABEL	
1.11.85	Ombalantu	Junius A AMULUNGA	Unconfirmed
1.11.85		Leonard Kwatindji IILEKA/IITEKA	Unconfirmed
1.11.85	Ombalantu	Josef D IIPINGE	Unconfirmed
1.11.85		Johannes ISHIDUMBUA	Rearrested. Unconfirmed
1.11.85	Ogongo	Johannes JEREMIA (20)	
13.11.85		UNNAMED Alleged guerilla	Following armed attack on Ruacana
15.11.85	Oshakati	Helena MULEKA (38)	AG 9. Teacher at Onayena Primary School
15.11.85	Oshakati	Esther HANGO (44)	AG 9. Senior nursing sister, Onayena Clinic

SWAPO COMBATANTS SENTENCED

Veiko Paulus NGHITEWA (25) and Sam MUNDJINDJI (30) were each sentenced to 24 years' imprisonment in the Windhoek Supreme Court on 30 October. The severe sentences came after evidence in mitigation following their conviction for abduction, theft and murder with extenuating circumstances. The charges arose from the disappearance in June 1983 of Martin Shaanyenange, a bantustan radio announcer. (*FOCUS* 61 p.10)

Much of the evidence in mitigation concerned the men's early lives, their experience of oppression under apartheid and what forced them into exile. Nghitewa left the country in March 1976 when he was 16 years old. By then he had completed Standard Six at a school in the north of the country where he was brought up by his maternal grandmother. His mother was a teacher in Swakopmund, his father a mineworker at Consolidated Diamond Mines (CDM). A number of events influenced his development, in particular a massacre by police in 1972 at Ipinge village, just three kilometres from his home.

Mundjindji's family ran out of money for his education and he had to drop out after one year of secondary school. During the 18 months he worked at an Ondangua garage, personal experience of ill-treatment and racism from his employer was added to his general understanding of discrimination and inequality in Namibian life. In 1977 he went into exile.

Both men were at first motivated to continue their own education but chose instead to join SWAPO's armed wing so that the whole country would be liberated and all Namibians could benefit.

When delivering sentence Justice Mouton questioned the relevance of defence evidence about police brutality towards both witnesses and the defendants. Several defence witnesses told of being tortured in detention and the judge himself admitted there were good grounds for defence allegations of maltreatment. In spite of this, and the fact that the accused made statements after long periods in police custody, Justice Mouton said he could see no relation between the evidence and the trial. A prosecution request that five defence witnesses be warned of possible prosecution under the Terrorism Act was turned down.

Mundjindji and Nghitewa were sentenced to two years for the theft of Shaanyenange's van, nine years for abducting him and 15 years for being accomplices in his murder. The court accepted that neither of the accused carried out the actual killing. The two lesser sentences are to run concurrently, making an effective sentence of 24 years each. The men's lawyer gave notice of appeal.

Throughout the trial the men were supported by a packed public gallery of family, friends and SWAPO members. Strict security surrounded the proceedings and people wearing

SWAPO badges were threatened with prosecution for contempt of court. (*Nam* 27.9.85, 1.11.85; *WO* 28.9.85; *WA* 30.10.85)

RELEASES

The following detainees reported in *FOCUS* 61 have been released: Esther IIMENE, Frans IIMENE and Victoria MOSHANA on 4 September; Steve KATJIUANJO (detained 1 October) and Andre STRAUSS (2 October) released by 25 October. (*Nam* 25.10.85; *NCC* 1.11.85) Also released were Jacob VILHO (by 17 September), Simon IIKONDELA, David IIMBODI, Selma NEPOLO, Rehabeam NAMBINGA and Gordon VILHO (all on 4 September), none of whose detentions had been reported.

TRIAL POSTPONED

The trial of seven men charged under the Terrorism and Internal Security Acts was postponed from October until 4 February 1986 in the Windhoek Supreme Court. The accused were all remanded in custody. (*WA* 16.10.85; *FOCUS* 61 p.10)

Seventy-five SWAPO members and supporters due to appear in court on 18 November had their case postponed *in absentia* to 20 February 1986. (*See FOCUS* 61 p.10)

'WANTON VIOLATION OF HUMAN RIGHTS'

'Since the inauguration of the new government, nothing whatsoever has changed for the better. Rather, sufferings, detentions, brutal torture and the wanton violation of basic human rights are still the order of the day in Namibia'. With these words, Bishop Kleopas Dumeni of the Evangelical Lutheran Church summed up the continuing suffering of the Namibian people under the illegal South African occupation. (NCC 23.8.85)

While the police and army have carried out most of their activities in secret, aided by strict restrictions on media reporting and entry to the war zones, an indication of the continuing violence against the Namibian people has been provided by some recent reports.

- On 26 July Bilha KAKAUNYA, who was pregnant, was raped by soldiers at Okando, also in the Oukwanyama region. (CCN 9/85)

- Nahas Mukwaita NDEVAHOMA, the principal of the Oshaka Junior Secondary School at Kongo in northern Namibia, was arrested at his home on 29 July 1985 by SADF soldiers and accused of being a SWAPO supporter. He was subjected to continuous beatings and was tortured. (CCN 9/85)

- In August Vilho KASHIKA of Omutse in the Ondangwa area was beaten by members of the police or army who arrived at his home in armoured vehicles. (Nam 6.9.85)

- A 28 year old Namibian, Clemens NEWMAN, was beaten by Railway Police in Tsumeb on 11 August. He was also put in the boot of a car for ten minutes. He was admitted to hospital and later charged the police with assault. (CCN 8/85)

- Members of the police Counter-Insurgency

(COIN) unit, previously known as 'Koevoet', opened fire on a kraal near Okahau on the night of 26 August, beat up the owner, Johannes ELIAKIM, and stole money. (Nam 27.9.85)

- On the same night, armed men broke into the home of Johannes ISHIDIMBWA, beat him and stole money and his vehicle. The men claimed that they were SWAPO guerillas, but Ishidimbwa recognised one of them as a member of the local 'security forces'. The men then abducted a neighbour, Josef ANDREAS, and held him prisoner in the back of a truck for the night. (Nam 13.9.85)

- Sarah PAULUS and her 13 year old son Joel were assaulted by police COIN members on 1 September at Onanjokwe. She was repeatedly beaten and then half buried in a pit in the ground while the police interrogated her about the whereabouts of a SWAPO guerilla. She was hospitalised for ten days, while her son had to receive medical treatment for wounds on his back. Her husband, Markus PAULUS, disappeared on 4 September after visiting her in hospital, reportedly after being taken away in a police vehicle. The police did not respond to Sarah Paulus' requests for information, but after more than two months stated that he had been detained and released and that they had no further information on his whereabouts. (Nam 27.9.85; WA 26.9.85, 25.11.85; see DETENTIONS LIST)

- On the night of 2 September, four uniformed men, allegedly members of the South West Africa Territory Force (SWATF), beat and raped Naomi VATILENI in the Odibo area of the Ovambo bantustan in the presence of her children. (Nam 20.9.85)

- In the same week, Penda AUALA, the son of the late Lutheran bishop, Leonard Auala, and his daughters, Elina (20) and Thelma (17) were assaulted by COIN police in northern

Namibia. (Lutheran World Information 10/85)

- In a rare prosecution arising out of an atrocity committed by members of the Namibian occupation forces, two South African National Servicemen, David Luck Reed and Martin Cockeran, were convicted in the Windhoek Supreme Court on 15 October of murdering Sebastian LUKAS in northern Namibia. They were sentenced to 18 years' and 2 years' imprisonment respectively. According to evidence, the two men detained Lukas on 9 February 1985 for breaking the night curfew. They ordered him to squat on the ground and then opened fire on him with their automatic rifles. (Business Day 16.10.85; WA 4.10.85; Star 29.10.85)

- A 59 year old woman was brutally assaulted and tortured by soldiers at Onipa in the Ovambo bantustan on 22 October. Selma AWALA was tortured after her son Leonard (15) had been detained. She was forced into a pit in the ground and her arm was broken. Her son was detained for two weeks and then released. (WA 8.11.85)

Police and army terror has remained the principal method of repression in Namibia under the Multi-Party Conference administration. However, increasing use has been made of the courts and the legal process. Amendments to the Explosives Act, the Inquest Act and the Magistrates' Courts Act further extended the powers of the courts. An amendment to the Explosives Act approved by the Windhoek 'Cabinet' explicitly extended the judicial powers of regional courts to deal with petrol bombs and the communication of false information regarding explosives. The Cabinet also introduced a bill providing for the deportation of aliens from Namibia and requiring visitors staying for longer than 30 days to obtain a permit. (DD 19.11.85; Nam 1.11.85; WA 13.8.85; GG 9.10.85)

DEATH IN DETENTION: INQUEST

An inquest into the death in detention of Thomas NIKANOR opened in the Otjiwarongo Magistrates' Court on 30 September 1985. Nikanor, an employee of Consolidated Diamond Mines at Oranjemund was detained at his home in northern Namibia on 22 January 1985. Some five days later he was found dead in a cell, allegedly having committed suicide. (FOCUS 57 p.11, 58 p.2)

The inquest, presided over by S van Plesen as magistrate, with Professor Theo Schwar as assessor, came to no conclusion as to how Nikanor died, but provided further information about the circumstances of his detention. Evidence was heard from three forensic scientists and two policemen. Proceedings were then adjourned to 27 January when evidence is expected from more policemen as well as fellow-detainees held with Nikanor.

At first Nikanor was kept at Oshakati. However, during the night of 25 January Warrant Officer Nicolas le Roux, the arresting officer from the Oshakati security branch, took seven detainees, including Nikanor, to the Osire interrogation camp near Otjiwarongo. The existence of a secret detention camp at Osire was revealed in late 1983 in sworn statements submitted by former detainees to the Windhoek Supreme Court. They told of being blindfolded and subjected to severe torture.

Nikanor was interrogated throughout 26 January by Detective Sergeant Abraham Izak Tredoux, also from Oshakati. Lawyers acting for Nikanor's family challenged Tredoux on a number of contradictions in his evidence. At various times he said that it did not take long for Nikanor to give information; that

Nikanor admitted having promised SWAPO that he would give help to guerillas; that Nikanor claimed to be a DTA (Democratic Turnhalle Alliance) organiser and NIS (National Intelligence Services) informant, and that Nikanor was evasive and had to be 'prodded'. The day's interrogation reportedly only produced two and a half pages of notes.

Although it had been agreed to adjourn interrogation from Saturday until Monday, Tredoux went with le Roux to collect Nikanor early on Sunday morning. The cell in which he was being kept was described as a cubicle-sized shanty made of corrugated iron. Nikanor was allegedly hanging half-sitting, half-standing from a nail in the wall. Six pairs of nylon socks were knotted round his neck, although some of these were said to have 'disappeared' after the body was taken down. Nikanor's belt and shoes had been removed; in his right hand was a crushed matchbox. Under cross-examination Tredoux admitted having undergone first aid training. However, he made no attempt to take Nikanor's pulse, check that he was dead, revive the detainee or even take down the body. He locked the cell immediately and left. Le Roux, who was called to the cell by Tredoux, said it seemed as if Nikanor had been dead for some time. Chief Inspector Harmse of Otjiwarongo came to the camp later that day to investigate the death. Le Roux made a sworn statement that week but Tredoux's was only made after two months.

A post mortem was carried out five days later by which time the body was badly decomposed, supposedly because of faulty

refrigeration at the Otjiwarongo mortuary. In the opinion of one expert the decomposition was such that it was impossible to establish whether death was due to hanging, manual strangulation, a blow on the neck or a heart attack.

The post mortem was performed by state pathologist Leendert van Ieperen in the presence of two doctors representing Nikanor's family, Professor Lionel Smith and Dr Jonathan Gluckman. The three agreed on a number of their findings. However, Gluckman noted 'severe intramuscular haemorrhage on the left side of the neck' which he related 'probably to a degree of violence'. Van Ieperen made no mention of this in his report, ascribing it to putrefaction of the body. Professor Smith said that had Nikanor not been found in a hanging position but the body had borne the same marks he would have concluded 'that he died from a blow to the neck'.

Van Ieperen's post mortem finding was that the cause of death was 'not inconsistent with hanging'. Under cross examination he conceded that his findings could be equally consistent with death caused by strangulation or a karate chop. Professor Smith said the cause of death 'could not be proved from the fact that the deceased was found suspended from the wall'. It was not possible to determine whether the noose of socks had been put around Nikanor's neck while he was still alive.

Nikanor's family — he was married with eight children aged between 15 months and 15 years — have refused to accept that he committed suicide. (WA/Nam 4.10.85)

south africa

STATE OF EMERGENCY EXTENDED

The State of Emergency imposed in the Eastern Cape and the Pretoria-Witwatersrand-Vaal (PWV) area in July last year, was extended to eight districts in the Western Cape on 26 October following two months of intense resistance in the region. Outside the Western Cape resistance continued in several areas and further restrictions were applied, including a clamp-down on media coverage of unrest. Casualties continued to rise. By November, 834 people had died since the current wave of resistance began in September 1984, most of them killed as the result of police action. (WM 8.11.85)

Unrest spread from other parts of the country to Cape Town at the end of August, following police prohibition of a march to Pollsmoor Prison organised to express support for imprisoned ANC leader Nelson Mandela, and in protest at the detention of Allan Boesak who initiated the call for the march. Further protests occurred in the context of a boycott of schools and their subsequent closure by the authorities. (BBC 28.10.85) With the extension of the State of Emergency, the wide restrictive powers afforded the police and military under emergency regulations elsewhere were applied in the Western Cape as well. (See IDAF Briefing Paper No. 19, p.2)

On the day before the emergency was extended, 85 activists were detained, including most of the Western Cape UDF executive and student and community leaders. The extension of the emergency affected a further eight districts including metropolitan Cape Town, the outlying areas of Bellville, Goodwood, Wynberg, Kuils River and Simonstown, as well as Paarl and Worcester in the Boland region. Following this extension the State of Emergency applied in 64 of the country's 380 magisterial districts, (including 26 in the Transkei bantustan) and affected over a third of the population. (BBC/CT/GN 28.10.85)

In terms of the emergency regulations the authorities imposed extensive restrictions, similar in content to those applied in other parts of the country, on Coloured and African schools, aimed at ending the boycott. In addition to other restrictions, in several areas pupils were confined to classrooms during school hours and barred from being in the streets except en route to school. (See FOCUS 61 p.8; CT 28.10.85)

Gatherings of 102 organisations in Cape Town, affiliates of the UDF, community, student, youth and pupil organisations, were also prohibited in terms of the regulations. Meetings of civic organisations in the Boland region were similarly prohibited in a separate set of restrictions. Further special restrictions were issued in respect of the townships of Paarl and Worcester. Non-residents of Mbekweni and Zwelethemba were barred from entering without prior permission. Restrictions on the possession of petrol, ostensibly to prevent the making of petrol bombs, were also introduced in these areas. (CT 28.10.85; S 29.10.85)

The emergency regulations reinforced restrictions under the Internal Security Act already in force in the Cape Town area. During August and September police made frequent use of Section 50 of the Act to detain people for periods of 14 days. Meetings of the Detainees Parents Support Committee, UDF and Athlone Students Action Committee were banned on various dates between 8 and 19 October and a ban had been imposed on all meetings in the Goodwood Magisterial District between 7 and 8 October. Restrictions (including bans on gatherings outside halls where meetings were held, use of loudspeakers and the display of banners, and stipulations on orderly conduct) were imposed on meetings of the DPSC, the UDF, South African Institute of Race Relations, a rally addressed by Bishop Tutu and funerals in the same period. An attempt by the Coloured Minister of Education and Culture to curb activity in schools in the form of a ban on meetings of students and teacher associations, including SRCs, was successfully challenged in the courts. (CT 8/18/19/24/26.10.85; DD 9.10.85; WM 25.10.85)

From the limited coverage available since the restrictions on the media were introduced, it appears the emergency regulations have been ruthlessly enforced. On 27 October police and troops surrounded and searched the Heathfield High and Glendale Secondary Schools. The entire student body (510 in all) was arrested in the second week of November at the Zee-koevlei Senior Secondary School in Lotus River in a similar operation. In November pupils were forced to write end of year examinations in classes guarded by armed police. (CT 28.10.85; FM 15.11.85; WM 22.11.85)

Residents of Zwelethemba (Worcester) claimed in the same period that policemen drafted into the township from other areas of the country lay in wait for them at road-sides, indiscriminately attacking and beating passers-by. Eight people were killed in the township in the three weeks after the emergency was extended. (CT 15.11.85)

The ban on meetings had been rigidly enforced. An appeal in the Cape Town Supreme Court to have a ban on a meeting of the Atlantis Residents Association set aside was dismissed on 10 November. The annual general meeting of the Civil Rights League was permitted to go ahead on 19 November but subject to the condition that the Emergency and detentions were not discussed. Troops were used to prevent a meeting taking place in Cape Town in protest at the police killing in the Transkei of a worker from the Cape Town-based Health Care Trust (see DETENTIONS). (CT 15.11.85; BBC 21.11.85)

A large number of people were detained under the emergency regulations in the Western Cape. (See DETENTIONS) Two additional courts were created at the Wynberg Magistrates' Court to deal with the increased number of arrests. (CT 15.11.85)

DEVELOPMENTS ELSEWHERE

Prior to its extension to the Western Cape the State of Emergency was lifted in six magisterial districts on 24 October. According to the State President P.W. Botha 'law and order had been re-established' in these areas. Five

of these districts — Humansdorp, Hankey, Steytleville, and Alexandria in the Eastern Cape and Balfour in the Transvaal — are small towns or rural areas where there had been no unrest or only sporadic, isolated incidents. The sixth was Westonia, a mining area which had been placed under restrictions because unrest was expected during the miners' strike in September. A total of 236,800 people live in the areas where the emergency restrictions have been lifted. On 3 December restrictions were lifted in a further eight districts: Adelaide, Bathurst, Bedford, Delmas, Heidelberg (Tvl), Jansenville, Pearston and Sasolburg. All were the sites of resistance earlier in 1985. (Star 25.10.85; CT 28.10.85; GN 28.10.85; BBC 5.12.85)

In the meantime further repressive measures were imposed in other parts of the country. Severe restrictions were imposed on coverage by foreign correspondents and local media of resistance and repression in the areas affected by the emergency. (See MEDIA CLAMPDOWN) The indemnity covering actions by police and troops in the areas under Emergency rule, was extended on 1 November to all other magisterial districts of the country in terms of Regulation 11 of the Public Safety Act.

Police used particularly brutal methods to crush resistance in Cape Town before emergency rule was extended there, notably an ambush of demonstrators stoning vehicles in Athlone on 17 October by police concealed in boxes on the back of a truck. A similar incident took place on Landsdowne Road near the Crossroads squatter camp on 24 October in which one person was killed. Elsewhere in the country the number of people killed by the police continued to rise. On average almost four people have died every day since the Emergency was imposed. In late November police opened fire on residents of Mamelodi protesting against rent increases. At least 13 people died. Mamelodi does not fall within the areas affected by the Emergency. In Queens-town 14 people died in the course of police action in mid-November. (CT 18.10.85; BBC 4/25.11.85; WM 8.11.85; DD 21.11.85; T 27.11.85)

Severe restrictions on the number of mourners, status of speakers and content of speeches at funerals were imposed in a number of areas, including the Transkei and Ciskei bantustans. (see DETENTIONS), although restrictions imposed on funerals in King William's Town were successfully challenged in the courts. (DD 24.10.85)

At the same time other developments indicate that the state is increasing its repressive capacity for the future. The South African Police are to be increased by 11,000, bringing the total strength of the force to 56,000 by 1987. A further 40,000 will be enlisted by 1995. (GN 28.10.85; MS 13.11.85) An amount of R24.6 million was recently allocated to assist Black Local Authorities (BLA) to establish their own municipal police forces. The BLAs, imposed on African townships outside the bantustans, have been targets of attack in the last 18 months. Five thousand municipal policemen will be trained in the first six months of 1986. (Business Day 21.10.85)

DETENTIONS

The number of people detained under both the emergency regulations and other laws continued to rise throughout October and November. At the same time families and lawyers of detainees attempted to use the courts either to gain improvements in conditions of detention or to protect detainees from torture and police violence. In several areas detainees themselves took actions in the form of hunger strikes.

The number of people detained was unclear. By 28 November, 7,006 people had been detained since 22 July, with 1,229 still in detention. (The first figure includes 745 Soweto school children held for one day in August).

Outside of the areas covered by the State of Emergency declared by the central government, there were a large number of detentions in Queenstown and the Ciskei and Transkei bantustans. (See below)

Several other urgent applications to court have concerned attempts by parents to obtain orders preventing the police from torturing or assaulting detainees. Such applications have brought to light considerable evidence of violence against people held both under the emergency regulations and other legislation. (City Press 15.9.85; Star 30.10.85; DN 6.11.85; DD 24-26.10.85, 12/22.11.85; Business Day 7.11.85)

TRANSKEI BANTUSTAN

Hundreds of people were arrested or detained without trial in the Transkei bantustan in the months following the imposition of a curfew on 22 July last year (one day after the central government declared a State of Emergency). The curfew regulations were promulgated in terms of a State of Emergency declared by bantustan authorities in 1980 and renewed annually since then. (See IDAF Briefing Paper No. 19)

Large numbers of people appeared in court charged with contravening the curfew regulations or other emergency regulations directed specifically at students and pupils, including a prohibition on being out of classes without permission. (Court cases involving 800 people were reported in FOCUS 61)

The number of people detained without trial was not known, but the Transkei Council of Churches said in October that it knew of 880 people who were detained in September alone. (S 7.11.85) Only a few names of those detained in August and September were reported in the press (and are included in the lists in this, and the previous issue of FOCUS).

During October repression in the bantustans was largely focussed on events surrounding the killing by police of Batandwa NDONDO, a former student leader at the University of the Transkei and a community health worker at the time of his death. (For information on protests and repression at the university during 1984 see FOCUS 53 p.7, 55 p.7)

Batandwa Ndongdo was shot dead in daylight in front of several residents in his home-

town of Cala, after being taken from his home. His body was taken directly to the police station and then to the hospital. Police involvement was confirmed by the head of the bantustan CID.

Although a murder inquiry was opened, no statement on its progress had been made a month after the event, and the conduct of the authorities awakened suspicions of a cover-up. Within days of the shooting several friends and relatives of the dead man were detained, some of them only hours before an identity parade was due to take place. (See the names of those detained during the first 10 days of October) On 11 October the bantustan 'president', Kaizer Matanzima, alleged that Ndongdo had been involved in an explosion which destroyed the Umtata fuel depot on 26 June, implying that that was why he had been killed.

Several students at the university were arrested after demonstrating in protest at not being allowed to hold a commemorative service, and the funeral had to be postponed by one day after a prohibition on its being held during a weekend. The funeral itself was held under tight security, with no one other than an ordained priest being allowed to speak. Over two hundred mourners were arrested: some were soon released but the police confirmed two days later that 108 were being detained.

At the end of October six relatives and friends of Ndongdo were released from detention and banished to various districts. By that date several students, some of whom had been present at the University demonstrations or the funeral, had also been banished. (See BANS in this issue) (DD 26-28.9.85, 2-30.10.85, 1/7.11.85; S 8.11.85; GN 5.10.85)

HUNGER STRIKES

Hunger strikes were held by detainees or awaiting-trial prisoners in at least four areas of the country between September and October in protest at their conditions or at the State of Emergency.

Queenstown During September a group of people detained in Queenstown under Section 50 of the Internal Security Act held a hunger strike in protest at the conditions in the police cells in which they were held, and because they were not told under which law they had been detained.

The police used Section 50 to arrest over 70 people during September, in an attempt to suppress the consumer boycott in Queenstown (not covered by the State of Emergency). The boycott was still in progress at the end of November. The police denied knowledge of the hunger strike, but one of those involved, Andile SISHUBA, said on his release that the group of about 15 people who had been on hunger strike included leading officers of the Mlungisi Ad Hoc Residents Association and other youth and community organisations involved in the boycott. (DD 20/28.9.85, 3/4/20.10.85, 23.11.85)

Ciskei bantustan Seven people detained on 26 October under the National Security Act in

the Ciskei bantustan and who had gone on hunger strike against their continued detention, were released on 11 November shortly before an urgent court application for their release was due to be heard. Six of the seven were teachers, and all seven had been among 111 people arrested and charged with attending an illegal gathering. (DD 1/13.11.85; CT 13.11.85)

Much of the repression in the Ciskei bantustan during September and October was aimed at suppressing the school boycott in the area. Reported detentions included those of several teachers, the executive of the Ciskei Teachers Union, five Fort Hare students and at least 129 youths from Sada, including members of the Sada Youth Organisation. Arrests on charges of attending illegal gatherings included over 600 youths at meetings concerned with the boycott at the beginning of September. Over 2,900 people were arrested at a meeting in Mdantsane, including executive members of the Border Consumer Boycott Committee. (City Press 8/15.9.85; DD 20.9.85, 15/16.10.85)

Oudtshoorn Seven awaiting-trial prisoners in Oudtshoorn started a hunger strike on 6 November. There were reports on 13 November that they had been admitted to hospital, but the prison authorities refused to comment on the reports. There do not appear to be any reports of the demands of the hunger strikers or of their identity. It was believed that they were due to face trial on 'charges in terms of security legislation, which could include allegations of sabotage'. In June last year the police linked the arrest and appearance in court of 15 people in Oudtshoorn to documents allegedly seized in the SADF raid on Gaborone during the same month. (S 24.6.85; BBC 12/14.11.85)

Emergency detainees A hunger strike started on 9 November by 32 people detained in Pollsmoor Prison under the emergency regulations was joined by over 300 detainees in the Victor Verster Prison in Paarl. Apparently demanding an end to the State of Emergency, legal representation of detainees and the release of emergency detainees after 14 days, their action was met with widespread expressions of solidarity. Forty workers at two clothing factories in Athlone staged a 'liquid fast' in solidarity, and a solidarity fast was held at the Methodist Church in the centre of Cape Town. The organiser of the fast was served with a summons to appear in court on 6 December on charges of contravening the emergency regulations. (FT 13/14/15.11.85)

A hunger strike with similar demands was started by detainees at Diepkloof prison in Johannesburg on 27 November. About 400 detainees were said to be involved, according to a statement at a press conference organised by the Transvaal Indian Congress. (S/CT 28.11.85)

On 13 November the prison authorities said they would not release any further detailed information on hunger strikes in prisons under its control, saying that the release of such information was not in the interests of 'the administration of discipline and good order in prisons'. (BBC 12/14/15.11.85; CT 13/14/15.11.85)

ABBREVIATIONS

Laws: ISA - Internal Security Act (Sections 28, 29, 31, 50)

Organisations: ARA - Atlantis Residents Ass.; AAWU - African Allied Workers Union; AZAPO - Azanian People's Org.; AZASM - Azanian Students Movement; AZASO - Azanian Students Org.; CISTU - Ciskei Teachers Union; COSAG - Cong. of SA Students;

CWIU - Chemical Workers Industrial Union; ELYCO - E. London Youth Cong.; FCCA - Fed. of Cape Civic Ass.; GAWU - Gen. & Allied Workers Union; GYC - Galvendale Youth Congress; HCA - Huhudi Civic Ass.; HCT - Health Care Trust; HUYO - Huhudi Youth Org.; MACWUSA - Motor and Component Workers Union; MPA - Mamelodi Parents Ass.; MRC - Mlungisi Residents C'ttee.;

NFW - Nat. Fed. of Workers; PEYCO - P. Elizabeth Youth Cong.; QYO - Queenstown Youth Org.; RMC - Release Mandela Campaign; SARU - SA Rugby Union; SCA - Soweto Civic Ass.; SRA - Sada Residents Ass.; TEAM - The Ecumenical Action Movement; TYC - Thabong Youth Congress; UDF - United Democratic Front.

DETAINEES - Additional to previous FOCUS lists (R) means known to have been released

EASTERN CAPE
Ciskei bantustan

13.08.85 Mmeli MBAMBISA, ELYCO,
20.08.85 Mbulelo TSHAPE
Sep. '85 Luntu BOBO (R)
Sep. '85 Mrs MDWABA, SRA
Sep. '85 UNNAMED Person (R)
12.09.85 Shepherd MAYEKISO
12.09.85Rep Christopher KEKA
12.09.85Rep Victor SHANGE
20.09.85 M. MAGALELA
20.09.85 Bonisile BOTILE (R)
20.09.85 Mhlophe Gerald BONGOBI (R)
20.09.85 Nomntu BONGCO (R)
20.09.85 Kaya MABECE (R)
26.09.85 Mabuti MDA (R)
12.10.85 D NJAMELA, CISTU
12.10.85 G SAM, CISTU
12.10.85 N DLAZILWANA, CISTU
12.10.85 N BELEWA, CISTU
12.10.85 R CEBISA, CISTU
12.10.85 S LUFAFENI, CISTU
13.10.85 Xola MAY and 3 youths
14.10.85 C H T LALENDLE,
14.10.85 Sizwe NTLIZIYANA (R)
18.10.85 Boyce SOCI, ELYCO
19.10.85 Sandla MTINTSILANA, UDF
28.10.85 Bulelwa TUNYISWA (R)
28.10.85 Mathemba BALFOUR (R)
28.10.85 Nomvuyo STOFIL (R)
28.10.85 Ray TWAKU (R)
28.10.85 Tamara NGCUKA (R)
28.10.85 Vuyani NGCUKA
28.10.85 Zanoxolo SONJICA (R)

Queenstown

Sep. '85 Andile SISHUBA, QYO (R)
Sep. '85 N SIDANDALA
Sep. '85Rep UNNAMED Alleged guerillas,
17.09.85 Linda SISHUBA, MRC, ISA 50
17.09.85 Vusumzi V MJILA, MRC (R)
19.09.85 Blanche MDUDU, ISA 50 (R)
19.09.85 Jacob BODLANI, MRC (R)
19.09.85 Machule MAQUHAZIMA (R)
19.09.85 Noncedo SEPTEMBER (R)
19.09.85 Sandi MGIDLANA, ISA 50 (R)
19.09.85 Vukile FENI, MRC, ISA 50 (R)
19.09.85 Vuyisile SIHLAHLA, ISA 50 (R)
26.09.85 UNNAMED 56 people,

Transkei bantustan

Oct. '85 Zingisa MKHABILE (R)
Aug. '85 UNNAMED Person,
10.08.85 Ntsikelelo MBUNDU
16.08.85 Nkosentsha NGONBANE
21.08.85 Theodore MONA
23.08.85 Patrick NJEKE
25.08.85 Koko MANYANA
25.08.85 Mkululi KUBUKELI
25.08.85 Nobendiba FANI
25.08.85 Zwabantu TAPILE
Sep. '85 Phumelele NOTUNUNU
Sep. '85 Vumile BIKITSHA
3.09.85 Ian MGIIJIMA
4.09.85 Mawaka NTSALUBA
13.09.85 Mlamleli JADEZWENI
13.09.85 Vuyo JADEZWENI
13.09.85 Zolile MAYAPHI
23.09.85 M MBULA
23.09.85 Mzimkhulu MSIWA
23.09.85 Mzimkhulu TUKELA
23.09.85 Sonwabo MBEKELA
23.09.85 Vuyisile VENA
24.09.85 Batandwa NDONDO, HCT (R)
2.10.85 Siyolo SOLOMBELA
2.10.85 Godfrey SILINGA (R)
2.10.85 Monde MVIMBI (R)
2.10.85 Victor NGALEKA (R)
4.10.85 Lungisile NTSEBEZA (R)
10.10.85Rep Dumisa NTSEBEZA (R)
13.10.85 Rev Mcebisi XUNDU, UDF (R)
14.10.85 UNNAMED People (R)
14.10.85 Ben MAZIBUKO, AZASO
14.10.85 Kwanele SIZIBA
14.10.85 Manene BIZENI
14.10.85 Mkhuseleli MANGCOTYWA
14.10.85 Nomfundo MPUNTSHA (R)

14.10.85

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Other

20.06.85

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NORTHERN CAPE

11.07.85

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WESTERN CAPE

Aug. '85

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NATAL - Durban

27.08.85

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21.10.85

21.10.85

ORANGE FREE STATE - Welkom

13.09.85

13.09.85

20.09.85

20.09.85

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26.10.85

Phumezo NXIWENI

Xolani SOTSAKA

Xolisa MNQANDI

Zamile MAZANTSANE,

PEYCO

Fuzile TSEWO, ISA 29

Gibson GAKA, ISA 29

Percy SMITH, GYC, ISA 29

Sandla MTINTSILANA, UDF

ISA 29 (R)

Nombulelo RWEXANA, ISA 29

Louie NOEMDOE, UDF

Derick JACKSON, ISA 29

David PEYPERS, ISA 29

Rev. MADYWABE (R)

Andile MASETI, ISA 29

Bandile MASETI, ISA 29

UNNAMED 5 people

Justice CAKWEDI, MACWUSA

Loretta MENGEZELEDI

Edwin MOLAOLWA, HUYO

Darkey AFRICA, HCA, ISA 29

Frans MONARE, ISA 29

James SUMMERS, SARU

Victor MAKOKO, GAWU

Mongezi TOKWANA

Thobile MIZAH

UNNAMED 6 (Black Sash)

ISA 29 (R)

Ambrose ALBERTYN, ISA

50 (R)

Godfrey AFRICA, ISA 50

Vincent SHABANGU, ISA 50

Abe FORTUIN, FCCA, (R)

Nabil SWART (R)

Ian Sipho MKHIZE, ISA 29 (R)

Arthur FRANSMAN, ISA 50

Arthur JAMES, ISA 50

Naphation SNYGANS, ISA 50

Steven SABANGO

Jacob CUPIDO, ISA 29

Benedict DEMAAR, (R)

Errol FRANSMAN, ISA 50

Jenny GONZALVES, (R)

Judy FISHER, CYC, ISA 50

David DE JAGER, ISA 50 (R)

Frank WEBERS, ISA 50

Isaac PHOKO, ISA 50

Jacques BOOYSENS, ISA 50

John OLIVIER, ISA 50

Leroy MOSES, ISA 50

Noel WILLIAMS, ARA, ISA 50

Quinton PEAKE, ISA 50

Rodney PETERSEN, ISA 50

William CLOETE, ISA 50

Graeme BLOCH, ISA 50

UNNAMED 3 teenage girls

Craig JOSIAS, ISA 29

Edward COTTLE, ISA 29

Edward JOEMAT, ISA 29

Grant PEAKE, ISA 29

Julian SAULS, ISA 50

Vincent WALTERS, ISA 50

Vanessa BROWN, ISA 50

Moegsien WILLIAMS, ISA 29

Trevor MANUEL, UDF, ISA

29 (R)

Rev. R PETERSEN, TEAM

ISA 50 (R)

Jonathan SIMONS, ISA 50

Eunice MKHIZE, ISA 29

Hamilton KHAWULA, ISA 29

Patrick, ISA 29

Mazwi ZONO, COSAS, ISA 29

Samuel MPYAKHE, UDF,

ISA 29

Andrew SEANE, RMC, ISA 29

Jeffrey SAMUEL, TYC, ISA 29

Johannes MOTSEKI, ISA 50

Maxwell NGESI, ISA 50

Mohlalane SEGALO, ISA 50

NORTHERN TRANSVAAL - Pietersburg &
Lebowa

2.08.85

2.08.85

3.08.85

4.09.85

4.09.85

16.10.85

17.10.85

17.10.85

17.10.85

21.10.85

PWV AREA
Pretoria

Oct. '85

24.10.85

Vaal Triangle

1.08.85

7.08.85

9.08.85

27.08.85

28.08.85

29.08.85

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12.09.85

Joyce MVULA, ISA 29

Linda ZAMELE, ISA 29

Josephine MOSHOBANE,

AZASO, ISA 29

Petrus ZWANE, ISA 29

Sam MAPHANGA, ISA 29

Moses - AZAPO

Gerry KGANYAGO, AZAPO

Lesiba KOBELA, AZAPO, ISA

Monhla HLAHLA, AZAPO

Thabo MONTJANE, AZAPO

Louis KHUMALO, MPA, ISA

(R)

Sylvia RAMUTLOA, MPA, (R)

Lucas THOBEJANE, ISA 29

Elizabeth LETANTA, ISA 29

Jeremia MOETSELA, ISA 29

Tsitsi MOKHELE, ISA 29

Barbara NCHELE, ISA 29

Sandile SILEKHE

Solomon MORE, ISA 29

David TSHABALALA, ISA 29

Samuel ZWANE, ISA 29

Lucas MALEKA, ISA 29

Bheki NTSHALINTSHALI,

CWIU, (R)

Brian MOHOLO, CWIU, (R)

Tshidiso NTAOPANE, CWIU,

(R)

Nathaniel PHAKOE,

POLITICAL TRIALS COMPLETED

In recent years it has become increasingly difficult to report on major political trials. Censorship laws have been tightened and newspapers become more cautious. Witnesses have frequently given evidence in secret and often the nature of the state's case has remained unclear. Over the last year reporting of cases has become even more fragmentary, especially in the growing number of trials where defendants plead guilty or change their pleas to guilty during the proceedings. In such cases the state does not have to produce all its evidence.

BINDA

Sipho Zachius BINDA (33) was sentenced to an effective six years' imprisonment in the Johannesburg Regional Court on 29 October. Binda was detained in September 1984, allegedly in possession of 31 rounds of ammunition. He pleaded not guilty to two charges of participating in 'terrorist' activities (*FOCUS* 59 p.3, 60 p.5)

It was alleged that Binda underwent military training in Angola between 1977 and 1982 and between 1982-84 influenced people by threats to bring about change in South Africa. Two witnesses gave evidence *in camera* that Binda had once been in charge of an ANC camp in Angola. In December 1983, he said, he left the ANC and joined SACTU for whom he was Transvaal co-ordinator.

Binda was found guilty on both counts and sentenced to concurrent sentences of five and six years. The magistrate ruled that the state had not proved that he still subscribed to the aims of the ANC. (*Cit/Star* 21.8.85; *BBC* 24.10.85; *Star* 23/29/30.10.85)

KEKANE AND OTHERS

The trial for high treason of Matthews Dime KEKANE (27), Albanus Matlhare LESOTHO (26) and Kingsley Stephen SITHOLE (26) ended abruptly in the Rand Supreme Court in October with a custodial sentence for one of the accused, Kekane. Most of the proceedings were taken up with 'trials within the trial' to ascertain the admissibility of statements made by the accused during lengthy periods spent in detention. (*See FOCUS* 61 pp. 4, 5) On 1 October the judge decided that Kekane's statement was admissible whereas those of Lesotho and Sithole were not.

Two witnesses were reported as giving evidence, both under duress. Nicodemus MOTHAPO, a taxi driver, said that he made a statement containing untruths — some told to him by the policeman who took down the statement — because he had been in detention for a long period (since July 1984) and wanted the matter to be finished. He told of driving Kekane and another man to Orlando stadium (the accused were charged with controlling an arms cache near Orlando stadium and inciting Mothapo to undergo military training). Another witness, Vincent Mahlangu, detained since August 1984, was told that he might be excused from prosecution if he gave satisfactory evidence.

Kekane was convicted on 24 October after he had changed his plea from not guilty and admitted undergoing military training. He also admitted placing explosives on the railway between Phefeni and Dube on 3 June 1983. Lesotho admitted unlawful possession of a pistol and ammunition. Charges against Sithole

were withdrawn — no reason was reported.

Sentence was passed on 28 October. Lesotho, an actor by profession, was given a twelve months' sentence suspended for five years. Kekane was sentenced to 15 years' imprisonment, of which he will serve only 14 years — he has already spent over a year in custody. The judge reportedly said he had not been told the whole story — he did not know how long Kekane spent undergoing training, why he came to South Africa in 1982 and 1984, whether he was a leader of a 'mere pawn'. (*Star* 2/25.10.85; *S* 22/23/29.10.85; *GN* 29.10.85; *BBC* 31.10.85)

LEEPIL AND OTHERS

Joseph Boitumelo LEEPILE (26) and Justice Mafa NGIDI (31) were sentenced in the Rand Supreme Court on 22 November for high treason. Sipho NGWENYA, the third accused, was acquitted earlier in the trial.

During the trial attention was focussed on the position of unwilling state witnesses. Sylvia MABENA (38), Leepile's foster-mother, was sentenced to 12 months' imprisonment for refusing to testify. A second witness, Moses (Duma) NKOSI (28), received a sentence of nine months, for the same offence. However, both were released on bail pending an appeal against sentence. They had been detained in 1984 in connection with the trial, Nkosi for six months. (*FOCUS* 54 p. 6, 7; 57 p. 7)

A third witness who refused to testify, Marilia NHLABANTSI, is Ngidi's wife. They had been married under customary law in Swaziland but underwent a South African civil ceremony during the trial after which she was excused from testifying against her husband. Nhlabantsi was detained for over 10 months

CONTINUING

BALEKA AND 21 OTHERS

Further attempts to obtain the release on bail of the 22 accused in this treason trial arising out of unrest in the Vaal Triangle in September 1984, have failed. Many of the accused have been in detention since that time and a further postponement has delayed the start of the case until 20 January 1986.

On 18 October a full bench of the Pretoria Supreme Court refused bail after considering affidavits from the accused as well as one from the Transvaal Attorney-General stating that their release would imperil the safety of the state. The men were told they were free to apply again 'if there is greater stability in the country in the months ahead'.

In November the state added a further charge, 'furthering the aims of the ANC', to the charges of treason, subversion, 'terrorism' and murder. Although challenged by the defence the court ruled that until the accused had pleaded the state was at liberty to add to the indictment. The trial has been moved from Bethal to the nearby town of Delmas. (*CT* 8.10.85; *DD* 10.10.85; *S* 17.10.85, 6.11.85; *Star* 17/19.10.85)

BOESAK

Dr Allan BOESAK, president of the World Alliance of Reformed Churches and patron of the UDF, was released from detention on 20 September 1985 and charged with three counts of subversion. His trial is due to start in Malmesbury on 12 May 1986. In another case charges against Boesak and others of illegally entering a township without permission were dropped. (*Star/DD* 21.9.85; *CT* 26.10.85; *Star* 5.11.85; *FM* 8.11.85; *DD* 21.11.85; *BBC* 27.11.85; *FOCUS* 61, p.6)

and gave birth to a daughter, Happiness, whilst in custody. (*FOCUS* 57 p.4, 60 p.2)

Ngwenya, who had been accused of sabotaging a railway line in November 1983, was acquitted. Leepile and Ngidi changed their pleas to guilty of undergoing military training and were convicted of treason. On 22 November they were sentenced to three and four years' imprisonment respectively. The judge described them as 'rank and file' members of the ANC whose treasonable acts were not committed inside South Africa. (*Star* 17/18/19/22/23/25/30.10.85, 1.11.85; *WM* 10/25.10.85; 1/15.11.85; *DN* 22/23.10.85; *DD* 23.11.85)

MATSHIKIZA AND NKOSI

A trial which followed a raid on a house in the White City, Jabavu, area of Soweto in November 1984 ended almost a year later with the conviction of Sizwe Patrick MATSHIKIZA (30) and Muzi Ashington NKOSI (29). The two men pleaded guilty in the Johannesburg Regional Court to separate charges under the Internal Security Act and the Arms and Ammunition Act respectively.

Nkosi, a former Soweto schoolteacher, said in a statement that a friend gave him various arms for safe-keeping on 20 November 1984, the very day of his arrest. He was sentenced to five years' imprisonment on three counts of illegally possessing arms and ammunition.

Matshikiza admitted being an ANC office-bearer, participating in a banned organisation's activities and furthering its goals by distributing its literature. He was sentenced to three years' imprisonment for distributing ANC pamphlets in Soweto between 1978 and 1984. (*FOCUS* 60 p.5; *Star* 5/6.11.85)

MAPUMULO AND OTHERS

When the trial of Mapumulo and 12 others opened in the Estcourt Supreme Court on 15 October, four of the accused refused to take part in the proceedings, declaring themselves soldiers in the ANC's army, Umkhonto we Sizwe, who should be treated as prisoners of war. Norbert BUTHELEZI (23) read a statement on behalf of himself, Wilfred MAPUMULO (28), Robert DUMISA (26) and James MARUPENG (26) in which they described the courts as 'a loyal and faithful arm' of the government. Participation in an apartheid court would be 'a betrayal to the millions of blacks who suffer daily here and to the international community which has declared this policy [of apartheid] a crime'. They refused to plead or to appoint a lawyer but the judge entered not guilty pleas on their behalf.

Eight other people (named in *FOCUS* 60) pleaded not guilty before Justice Andrew Wilson and two assessors to charges under the Terrorism, Internal Security and Arms and Ammunition Acts. The charges relate to the establishment of arms caches and military training bases for the ANC in the Ingwavuma area of the KwaZulu bantustan in late 1984. (*FOCUS* 61 pp. 4, 5)

Tight security attended the court proceedings — spectators were searched with metal detectors and the accused sat in a glass-enclosed dock. The first state witness was an unnamed alleged former ANC guerrilla who, like the first four accused, was said to have undergone military training outside South Africa. He said that he had been arrested after 'opting out of the Ingwavuma exercise' and, when he confessed his involvement, was assured by the police he would not be prosecuted. The judge told the chief prosecutor that the witness should have been brought to court

and warned as an accomplice — 'it was not the function of the police to exercise mercy'.

Three other witnesses were relatives of the accused. Msongomane NYAWO, whose mother, Nokuhamba, and brother Vusumuzi are on trial, was warned that he was obliged to answer all the questions put to him. His sister Thembi, who had been in detention since December 1984, told of being beaten and kicked by the police until her body was bruised and swollen, her mouth was bleeding and she was partially deafened in one ear. She said she was taken with her mother to a 'punishment camp' at Ingwavuma where they saw her brother Zebion (Vusumuzi) being assaulted. One of her interrogators sat in court throughout the evidence, in which she admitted assisting the guerillas but said that she had not known it was an offence to do so. Another sister Zodwa NYAWO also gave evidence for the state. (CT 16/18.10.85; DN 17/18.10.85; S Star 20.10.85; WM 25.10.85; S Trib 27.10.85)

RAMGOBIN AND OTHERS

The trial of Mewa RAMGOBIN and 15 other UDF and South African Allied Workers Union

(SAAWU) leaders began in the Pietermaritzburg Supreme Court on 21 October when all the accused pleaded not guilty to the main charge of high treason and alternative charges of 'terrorism' and furthering the aims of an illegal organisation. They are accused of being involved between 1980 and 1985 in an alleged conspiracy to overthrow the government by violence. (For accused see FOCUS 58 p.9)

The state alleges they were 'knowingly used' by the 'revolutionary alliance' of the ANC, the South African Communist Party (SACP) and the South African Congress of Trade Unions (SACTU). In opening for the prosecution, counsel denied the case was against the 'UDF as such' because the organisation was not party to the conspiracy. However, he stated that the UDF was formed after ANC president Oliver Tambo called on South Africans to form a united democratic front for national liberation. He drew attention to the use of 'revolutionary symbols', in particular songs, and described SAAWU as 'nothing less than SACTU internally'.

For the first time in a criminal trial video recordings were screened of various meetings

addressed by the accused and others. All the videos have been screened provisionally, as their admissibility has not yet been decided. (Star 24/31.10.85)

In November the court heard evidence from a Mr O'Brien, a serving soldier who participated in the SADF raid on Maseru, Lesotho in December 1982. The evidence was subject to restriction on the orders of the Minister of Defence, General Magnus Malan. O'Brien told of killing four men in a house in which they found no weapons. However, they confiscated documents and cassette recordings. A SAAWU document found there was allegedly signed 'Yours comradely, T or Y Gqweta'. The court has yet to decide whether the documents are admissible as evidence. A tape recording allegedly found in Maseru was ruled inadmissible in terms of the Minister of Defence's instructions. On 9 December charges were withdrawn against all the accused, except Gqweta, Njikelana Ngcobo and Kikine. (CT 22.10.85, 20.11.85; Star 24/31.10.85; DD 20/23.11.85; T 10.12.85)

OTHER TRIALS

Further confirmation of the nationwide character and the intensity of popular resistance came in a report released on 12 November by the Detainees Parents' Support Committee. It said it was 'no longer practical or possible to record details of the large number of public violence and related trials which have poured into the courts as a result of police action in every corner of the country from the main centres to remote villages'. (GN 13.11.85)

POLICE DEATHS

According to figures announced by the Minister of Law and Order on 29 November at least 27 policemen had been killed and the homes of about 550 policemen burnt down since September 1984. (BBC 2.12.85)

- Twenty five Motherwell residents appeared before Port Elizabeth magistrates on 11 September accused of the murder of a policeman. No evidence was led or pleas sought, and the hearing was adjourned to 4 October. (DD 13.9.85)

- In the Ciskei bantustan a former detainee, Vuyisile Mabuti MDA (21), appeared in the Zwellitsha Magistrates' Court, along with five other men and a minor, on a charge of murdering a policeman in September. Public violence and arson were also alleged. However, proceedings were delayed in mid-October when Mda's aunt obtained an undertaking through the court that the police would not assault or unlawfully interrogate him. A further delay occurred on 21 October when his aunt sought the consolidation of the undertaking in the form of an interim interdict restraining the police. This was refused in favour of the chief magistrate making a statement in court about Mda's mental and physical condition on 25 October. The hearing of the charges against the seven was postponed to 11 November. (DD 24.10.85)

- At the Cape Town Magistrates' Court on 24 October three men appeared in connection with the death of a policeman during a Muslim funeral at Salt River on 11 September. They were Albert ALEXANDER (32), Adenaar RESTER (22) and Adenaar BATCHELOR (30). A large crowd of fellow-Muslims gathered outside the court and prayers were said. No formal charges were put and the three were released on bail of R2,000 each. Their next court appearance was set for 28 November. (Star 19.9.85; CT 25.10.85)

- Five men were given prison sentences for

the murder of a policeman in November in the Bophuthatswana bantustan. Eleven other adults and two minors were also sentenced to imprisonment. For details see list of prisoners.

LABOUR TRIALS

- In Howick, Natal, the first of no less than thirty hearings at the Regional Court involving over 300 workers charged with public violence and arson began on 1 November. The defendants were present or former employees at the local Sarmcol tyre factory which is owned by a South African subsidiary of the British company BTR. (DN 5.11.85)

In April 1985 the management issued dismissal notices to all 950 of its black hourly-paid workers. Their union, the Metal and Allied Workers Union, called a strike but the company recruited 800 non-unionists to operate the plant in their place. Angry demonstrations by the dismissed workers took place in the Mphophomeni township and three strike-breakers were killed.

On 16 June 30 workers appeared before Howick magistrates. Ten were charged with murder and the rest with intimidation and assault. The courtroom was crowded with fellow trade unionists, who marched at lunchtime to the factory and tried to prevent strikebreakers leaving it.

In the first of the resumed hearings on 4 November at the Howick Regional Court, Victor ZUMA (19) pleaded not guilty to charges of public violence and arson. He denied being part of a crowd of about 500 who stoned and burned down the house of a strikebreaker in Mphophomeni. The case was to continue on 5 November. (DN 5.11.85)

- A total of 718 student nurses and auxiliary workers employed at the huge Baragwanath Hospital in Soweto were warned to appear at the Protea and Orlando Magistrates' Courts on 29 November but after the Rand Supreme Court ordered the reinstatement of 1,740 dismissed students and auxiliaries on 19 November all charges were dropped. They had been accused, under the emergency regulations of holding an illegal gathering and taking illegal strike action, as a result of mass meetings, strikes and demonstrations in the hospital premises on 13 and 14 November, when armed security guards, police and SADF personnel were used to suppress staff protests over pay, working conditions and restrictions on personal freedom.

Released on their own recognisance those arrested included members of both the Health Workers' Association and the General and Allied Workers' Union, amongst them 574 women. (CT/FT/S/T 15.11.85; DD 15/16.11.85; 30.11.85; BBC 16.4.85; 20.11.85)

SEFATSA AND OTHERS

On 3 September 1984 a community councillor named Dlamini was killed in Sharpeville, near Johannesburg during protests against rent increases. Accused of his murder in a trial which began a year later on 5 September before Oberholzer Magistrates were one woman, Theresa RAMASHAMULA (24), and seven men: Mojalefa Reginald SEFATSA (30), Reid Malebo MOKOENA (22), Oupa Moses DINISO (30), Motseki Christiaan MOKUBUNG (23), Motsari Gideon MOKONE (21), Duma Joshua KHUMALO (26) and Francis Dom MOKGESI (28). At the Pretoria Supreme Court on 23 September pleas of not guilty were entered by all the accused, who were also charged with subversion, alternatively malicious damage to property and arson. (FOCUS 57 p.5, 58 p.6, 59 p.3, 61 p.5)

On 4 October a state witness, 'Mr X', confirmed defence allegations three days earlier that he had been beaten in 1984 by policemen who wanted him to incriminate two of the accused, Khumalo and Mokone.

On 22 October Sefatsa gave evidence of his arrest on 9 November 1984. He described how his eight months pregnant wife had been slapped by a policeman just before his arrest and how he had been tortured while being questioned at Sebokeng police station. A doctor testified that Sefatsa had sustained injuries to his arms, chest, cheek and his left leg, and that his hearing and vision had been impaired. On 25 October Ramashamula's arm was fractured while she was being conveyed in a police vehicle. On 27 October her mother testified that her daughter had been arrested in the night at the end of 1984. During interrogation she had been stripped and tortured by means of electrodes attached to her breasts.

On 25 October Mokoena gave evidence of ill-treatment and torture when he was taken into police custody at Vereeniging police station in September 1984. After being subjected to electrical shock torture he was forced to write to the Minister of Law and Order implicating himself and others in Dlamini's death. The case continues. (Star 24.9.85, 2.10.85, 17.10.85; S 26/27.9.85, 1/3/17/18/22/24/29/30.10.85, 5/8.11.85)

MOLOISE EXECUTION

Malesela Benjamin MOLOISE (30) was executed by the South African regime on 18 October 1985, in defiance of world opinion and an unprecedented number of calls for clemency. Moloise's petition to the State President for a retrial (*FOCUS 61 p.4*) was rejected on 15 October and the execution set for the following Friday. Police repression of protests within the country led to a number of arrests and the death of at least one protester.

Moloise was convicted in June 1983 of the killing of a security policeman in November 1982 — an act he always denied and for which the ANC claimed responsibility, stating Moloise was not involved. Warrant Officer Phillipus Selepe had helped to prosecute a number of ANC members, including Mogoerane, Mosololi and Motaung, ANC combatants who were executed by the regime in 1983. Moloise, a life-long friend of Motaung, was called as a state witness at their trial: but refused to comply. Selepe gave evidence in the same case.

After Moloise's execution the Department of Justice issued a statement justifying their decision saying that his trial was 'in no way connected with South African security legislation' and stating that he was convicted of the common law offence of murder 'based on the normal legal principles of all civilised countries'. Legal procedure in South Africa has been consistently modified over the years to increase the likelihood of convictions, whether or not the state chooses to prosecute under statutory

'security' legislation. In fact, the great majority of political prisoners in South Africa are sentenced for common law offences such as public violence, arson and treason. (See *current PRISONERS list*) In addition, the powers of detention enable the police to obtain statements while a potential defendant is incommunicado and deprived of legal advice. Moloise made such a statement and, although clearly obtained under duress, it was accepted by the court and formed the basis of his conviction.

Moloise impressed all who visited him during his last few days by the strength and dignity with which he faced death, showing, in the words of his lawyer 'no self-pity, no regrets and no self-obsession'. According to his mother he said that he remained committed to the ideals of the Freedom Charter and convinced that liberation would be achieved: 'Tell the world that we shall overcome. I will spill my blood for those who remain behind'.

Repressive action against the Moloise family and their supporters continued up to and beyond the execution. Soldiers in three armoured trucks fired teargas into their Soweto home as hundreds gathered for a vigil.

Pauline Mamike Moloise and her husband Robert kept vigil outside Pretoria Central Prison as the time of the execution, 7am, approached. The execution of Moloise and the man hanged with him brought the total of executions during 1985 to 88. The family were allowed in to the prison chapel to pray along-

side Moloise's closed coffin. The body of an executed prisoner remains the 'property of the state' which buries it without a formal funeral.

In accordance with Moloise's wishes his mother and a number of supporters, including Winnie Mandela, sang the anthem *Nkosi Sikelel'i Afrika* outside the prison. The two women were amongst the speakers at a memorial service late that day in Johannesburg.

Some eight hundred people attended the service. When they left the building they were confronted by a contingent of police with dogs who attempted to disperse the crowd using sjamboks.

Many other services were held for Moloise throughout the country. Lebowa bantustan police used shotguns and batons to disperse three hundred people attending a meeting organised by the Kgapanne Youth Congress near the town of Duiwelskloof. Robert MAKOKGA (24) and Ngoako RAMALEPE (26) were taken to the police station and savagely beaten before being driven to open veld and left for dead. Ramalepe died early the next day from his injuries but Makokga, suffering from over a hundred weals and open cuts, managed to get to safety. Ramalepe was president of the Students Representative Council at the Modjaji Teacher Training College. (*S/CT/DD/Star 16/17/18/19/21/22/25/29.10.85; S Star/S Tel 20.10.85*)

MEDIA CLAMPDOWN

The government imposed a virtual ban on reporting of protests and police and army actions in the 38 areas under the State of Emergency. The new regulations came a week after the extension of the Emergency to Cape Town and the banning of journalists from Soweto.

The new regulations, published on 2 November, made it an offence to record, reproduce, publish, broadcast, distribute or send anywhere in or outside the country, without permission from the Commissioner of the Police, any films, sound recordings, photographs, drawing or other representations of 'any public disturbance, disorder, riot, public violence, strike or boycott', or damaging of property or any assault on or killing of a person. In addition, reporting in this way of people present at or involved in any such situation, or the actions of a Force or a member of a Force (which includes the police, railway police, SADF and prisons service) 'with regard to the maintenance of the safety of the public or the public order or for the termination of the state of emergency' is illegal. It is also illegal to cause such reports to be made or distributed. (*S Trib 3.11.85*)

Newspaper 'print reporters' seeking to cover these events have to prove they are accredited — by the police force, the Department of Foreign Affairs or the government's Bureau of Information — or that they work for a publication affiliated to the Newspaper Press Union. They must then be accompanied by a police escort. (*CT 13.11.85*)

Contraventions of these regulations carry a maximum penalty of 10 years' imprisonment

or a fine of up to a maximum of twenty thousand Rand.

ATTACKS ON JOURNALISTS

Prior to this overall clampdown, police acted to prevent reporting of numerous incidents of protest and police and army repression, both in and outside the Emergency areas, and a number of foreign and local journalists were arrested or assaulted.

Since the eve of a planned march in August from Cape Town to Pollsmoor Prison in support of Nelson Mandela, journalists have been repeatedly barred from entering parts of Cape Town. Altogether 16 journalists in the area were reported to have been held for questioning during September and October. (*BBC 15.11.85*)

In addition, nine journalists — a *Cape Times* employee and eight correspondents for foreign media companies — arrested while covering police actions against student protesters in Cape Town, were charged with obstructing the police. Charges were withdrawn on 30 August following a court appearance. Another eight journalists — two South Africans and six foreign television newspeople — appeared twice in court after being arrested at a student meeting at the University of the Western Cape. No charges were put to them and their case was postponed until December. One of them, Bernard BISSON, a French reporter, was in the meantime deported. (*Cit/BBC 30.8.85; DD 31.8.85; DD 4.10.85; CT 5/18.10.85*)

During September and October five journalists working in Cape Town suffered serious injuries from police actions against them. (*CT 6/23.9.85; Star 18.10.85*)

In the Transvaal, the Soweto Divisional Commissioner of Police announced on 26 October an indefinite ban under Emergency Regulations on journalists entering Soweto. Several days later four *Sowetan* reporters were picked up by police in Soweto at night, beaten and driven around in armoured vehicles for several hours before being released. (*Cit 28.10.85; S 30.10.85*)

In the Eastern Cape, a television cameraman, Rapiitse MONTSHO, was convicted twice, in September and October, on charges relating to the ban on non-residents in certain townships under the Emergency. He was sentenced in the second trial to 50 days in jail or a R200 fine. (*CT 12.10.85*)

In September a correspondent for the United States magazine *Newsweek*, Ray WILKINSON, was deported from South Africa following the publication of an article on protests in South Africa in the September issue, which was subsequently banned. (*DN 13.9.85*)

EDITOR CHARGED

The editor of the *Cape Times* newspaper, Tony HEARD, was charged under Section 56 of the Internal Security Act in the Cape Town Magistrates' Court on 8 November after publishing a lengthy interview he had conducted with the president of the ANC, Oliver TAMBO. Tambo may not be quoted in South Africa, as he is restricted in terms of Section 23(1) of the Internal Security Act. Heard was served with a subpoena before his arrest, compelling him to hand over a tape recording of the interview. He faces a maximum of three years' jail, without the option of a fine. The case was postponed until 9 December. (*CT 4.11.85; GN 9.11.85*)

continued from p.11

10 October. Six students from other parts of the country were banished from the bantustan under the Transkei Aliens Act. They were: Nomvuyo BONO from Port Elizabeth, Nolundi QABA and Nomalanga TSHIWA from Johannesburg, Nonkululeko MATI, Nomnandi

NOBATHANA and Nomfundo MPUNTSHA (25) from East London. (*DD 12/26.10.85, 7.11.85; S 8.11.85*)

The trial in Umtata of Prince MADIKIZELA, reported in *FOCUS 59*, ended on 27 September when he was sentenced to three months' imprisonment suspended for five years and to a

R250 fine or 60 days' imprisonment, for contravening his banishment order. He was later threatened with re-detention even if he paid the R250 fine, and although he was released on bail pending appeal against his conviction, he was re-detained on 10 October. (*Amnesty International 18.10.85; FOCUS 59 p.7*)

PRISONS

RELEASES

• A former member of COSAS, Sizwe John GUMEDE (19), who refused to testify against six people charged with recruiting for the ANC, was released from Helderstroom Prison at the beginning of September after one year in jail.

He was sentenced in August 1984 with three others who also refused to give evidence. Their sentences were two years. (*City Press* 8.9.85; *FOCUS* 58 p.8 under MARRAND and Others)

• Benjamin Sello RAMOTSE (60) was released from prison on 28 September after spending 15 years on Robben Island.

Ramotse was sentenced in 1970 after spending more than two years in detention. He was abducted from Botswana by Rhodesian soldiers and severely tortured in a Rhodesian prison. He was then handed over to South

African police who also tortured him.

He appeared in court charged under the Terrorism and Suppression of Communism Acts with 19 others, who were all acquitted. (*S* 1.10.85; *Prisoners of Apartheid*, IDAF, p.99)

• Lukas MAKUNYANE was released in September after serving four years for ANC activities. On his release he faced a charge of allegedly running an ANC cell in prison.

He is alleged to have furthered the aims of the ANC between August and October last year while a prisoner at Potchefstroom Prison. He was allowed out on R500 bail but was due to appear again on 25 October. (*City Press* 20.10.85)

PRISONER DIES

An 18 year old youth, G MTUNGWANA, serving a two-year prison sentence for public violence was found dead in St Albans Prison in Port Elizabeth on 8 October.

Prison officials said the youth was found hanging from the bars in his cell with a belt around his neck. He was sentenced in December 1984 in the New Brighton Court in an action arising out of township unrest. (*WM* 11.10.85)

NELSON MANDELA

On 3 November Nelson Mandela underwent surgery to remove an enlarged prostate gland. Stringent security arrangements were in force around the Volks Hospital in Cape Town where the operation took place and where he was allowed to remain for two weeks to recuperate.

Winnie Mandela, his wife, and their two daughters were allowed to visit him for 40 minutes a day. Winnie Mandela was able to remain in Cape Town only by flouting her banning order: she had been ordered to return to Brandfort by 4 November. (*Business Day* 6.11.85; *BBC* 19.11.85)

POLITICAL PRISONERS — Additional to previous FOCUS lists (Abbreviation CL means common law)

Sentenced	Court	Law — Charge	Incident leading to trial
December 84 Died 8.10.85 Two Years: G. MTUNGWANA (19)	New Brighton	CL — Public Violence	Township unrest
1.10.85 Three Years: Vumile TSHILOLO (24)	Wynberg	CL — Public Violence	Stoning of police and post office vehicles in Guguletu
Mid-October 85 Six Years: Patrick SILVANO (58), Andrew MICHAEL (25), Gerald JOOSTE (25) Five Years: Richard SMITH (18), Reginald BESTER (18), UNNAMED Minor Three Years: Aubrey MURPHEY (18), UNNAMED Minor	Graaff-Reinet	CL — Arson, attempted arson and complicity	Arson at Spandau High School, Graaff-Reinet
28.10.85 Fourteen Years: Matthews Dime KEKANE (27)	Rand	CL — Treason	Undergoing military training; sabotage of a railway powerline
29.10.85 Six Years: Sipho Zachius BINDA (33)	Johannesburg	ISA	Undergoing military training
1.11.85 Twelve Years: Hendrick MATLALA, William MABITSELA	Bophuthatswana	CL — Murder	Killing of a police warrant officer at Mothutlung
5.11.85 Five Years: Ashington Muzi NKOSI (29)	Johannesburg	Arms & Ammunition Act — Illegal possession of arms	Police raid on private house
5.11.85 Three Years: Patrick Sizwe MATSHIKIZA (30)	Johannesburg	ISA	Distribution of ANC pamphlets in Soweto between 1978 and 1984
22.11.85 Four Years: Justice Mafa NGIDI (31) Three Years: Joseph Boitumelo LEEPILE (26)	Rand	CL — Treason	Undergoing military training

Note: The name of Manas MSIBI, sentenced to seven years on 6.8.85, was misspelt (as SIBISI) in the list in *FOCUS* 61.

BANS

Five people detained under the Emergency regulations were served with comprehensive restriction orders in November under a clause of the Emergency regulations almost identical to banning orders under the Internal Security Act.

In terms of Section 3 of the Regulations, the Minister of Law and Order may stipulate conditions under which those detained under the State of Emergency are released. Notice must be given to those affected, but the restrictions need not be published in the *Government Gazette*, in the way that banning orders under the Internal Security Act are. The restrictions apply for the duration of the State of Emergency and their contravention carries a maximum penalty of ten years' imprisonment or a R20,000 fine.

The five, detained on 21 July last year, the first day of the State of Emergency, and released on 12 November, are: Rashid SALOOJEE (52), the Transvaal president of the UDF, acting president of the Transvaal Indian Congress (TIC) and vice-president of the Islamic

Council of South Africa — his final month of detention was spent in the psychiatric wing of a Johannesburg hospital; Simon RATCLIFFE, employed by Media and Resource Services; Neil COLEMAN, a community worker; Maurice SMITHERS, a rural development worker previously banned between April 1982 and July 1983; and Aurret VAN HEERDEN (30), a former NUSAS president. (*DD* 14.11.85)

All are restricted to Johannesburg, prohibited from attending any political or student gathering, contributing to any publication and entering certain specified buildings. They are also barred from associating with all trade unions, youth organisations or organisations 'related to the black community'. In addition, Saloojee may not associate with the UDF and the TIC; the other four are barred from associating with a wide range of specified community organisations. (*WM* 15.11.85)

NEW BANNING ORDER

The secretary of the UDF in the Western Cape, Trevor MANUEL, was served with a five year banning order on 15 November, while held in detention under the Internal Security Act. The order, backdated to 22 October, the day of his

detention, confines him to his home in Cape Town at night and on weekends and public holidays, and bans him from gatherings 'at which any form of state or principle or policy of or action by the government of a state is propagated, defended, criticised or discussed'. Manuel was released from detention on 20 November. (*BBC* 18/23.11.85)

TRANSKEI BANTUSTAN

Thirteen people were either banished or banned by Transkei bantustan authorities in October following the killing by police of a former student leader, Batandwa NDONDO. (See *DETENTIONS for details*) Six bantustan residents were banished within the bantustan: Lungisile NTSEBEZA and Dumisa NTSEBEZA to Mhahlane in Tsomo district; Godfrey Meluxolo SILINGA to Baziya, near Umtata. All three are former political prisoners. (*FOCUS* 13 p.6) Monde MVIMBI was banished to Nqadu, near Willowvale. No details of the banishments of Zingisa MKHABILE and Victor NGALEKA were reported. Nonene MATANYA, a student, was confined to her home in Ngwamekwe on

continued on p.10

REVIEW: ARMED STRUGGLE

After the signing of the Nkomati Accord in March 1984, officials of the apartheid regime declared that the ANC had been dealt a 'body blow' and that the number of armed actions carried out by Umkhonto we Sizwe, the armed wing of the ANC, would decline. Contrary to the prediction, 1985 has seen a rapid escalation in the number of armed attacks.

The most significant feature of resistance over the past year has been a certain degree of merging between guerilla activity and forms of popular struggle, both apparently having entered a new phase.

Public statements by the ANC have praised and reflected this change. The ANC declared 1985 to be the 'Year of the Cadre', and called for a strengthening of its underground structures to build up a popular armed force and to transform the armed actions it had been carrying out into a popular insurrection. This was to be achieved by rooting Umkhonto we Sizwe among the people and 'actively drawing the masses into the prosecution of a people's war'. (*Message of the National Executive of the ANC*, 8.1.85) Regularly in statements and radio broadcasts the ANC has called on 'fighting youth' to find ways of organising themselves into small units and to find ways of obtaining arms so that townships and other areas can be turned into 'no-go' areas. (*WM* 5.7.85)

The National Consultative Conference of the ANC, held in Zambia in June, confirmed that the organisation planned a substantial and immediate escalation of the armed struggle. The lack of forward bases in neighbouring states was not regarded as an obstacle. The conference also announced that in the light of township killings by the police and attacks on its personnel in frontline states, it would be difficult to distinguish between 'hard' and 'soft' targets. People who actively supported apartheid would in future become targets of attack. (*BBC* 4.7.85; *WM* 11.7.85)

The ANC's call for a 'people's war' appears to have had practical effect in the increase in the number of actions involving the use of military equipment in township protests. Hand grenades are being used to supplement petrol bombs in attacks on government buildings and the homes of township administrators and police. Grenades have been used with such regularity that it is no longer possible to document their use from press reports. The spread of the use of petrol bombs was reflected in the promulgation of regulations under the State of Emergency forbidding the siphon-

ing and storage of petrol.

Guns have also been used with increasing frequency. Police have reported that shots have been fired at them on numerous occasions. Shots have also been fired at the houses of people considered to be collaborators. A number of military assault rifles are reported to have been stolen from troops patrolling black townships in the Eastern Cape and at least two youths have been imprisoned for such thefts. (*Star* 15.8.85; *DD* 30.8.85; *FOCUS* 61 p.7)

Not only has there been an increase in the use of home-made and military weapons in the townships, but by June there had been more guerilla attacks throughout the country than the 44 recorded incidents in 1984. By the end of September 93 incidents had been recorded by the Institute of Strategic Studies of the University of Pretoria, 37 more than for the whole of 1983, the previous record year. (*WM* 5.7.85; *FM* 15.11.85)

Guerilla attacks have also had a wider geographic spread than in previous years, taking place in all four provinces. Two new features have been the occurrence of major armed attacks in the bantustan areas and the use of land mines to disrupt the movement of military and police vehicles.

On 26 June co-ordinated attacks on key installations in Umtata, in the Transkei bantustan, disrupted services in the area for several days. The Zwelitsha Magistrates' Court in the Ciskei, the scene of many political trials in the area, was blasted by limpet mines on 2 August. Two days earlier police had been involved in a shootout with guerillas at a roadblock near Mount Ruth. One member of the Security Branch was killed and, allegedly, two of the guerillas. (*DD* 27.6.85, 1/3.8.85)

At the end of November a number of vehicles including a police vehicle and an SADF troop carrier were blown up by landmines in the Northern Transvaal. Four police were injured in the blasts. The Minister of Foreign Affairs claimed that the mine attacks had been carried out by guerillas operating from Zimbabwe and threatened to carry out 'hot-pursuit' raids if the Zimbabwe government did not put a stop to the raids. (*GN* 28.8.85)

Attacks on economic installations and government buildings have continued, as in previous years. On 28 November guerillas fired a number of 122-mm rockets at the Sasol oil-from-coal refinery at Secunda. Police claimed that all the rockets missed their targets. The refinery was successfully attacked by ANC guerillas in 1980. (*GN* 29.11.85)

There have also been regular attacks on companies involved in disputes with unions

and in mass dismissals of their workers. The timing of such attacks indicate that they can be mounted in quick response to events and that bases are well established inside the country.

A breakdown of the figures of armed incidents in the first nine months of 1985 provided by the Institute of Strategic Studies reveals the following: Two railway lines, eight government and public buildings, six power installations, one fuel depot, 17 business properties, three private properties, three military buildings, three police stations and three water pipelines. Included in the Institute's figures were also 48 attacks on and/or killings of police, state witnesses and civilians most of which were not attributable to any organisation. The Minister of Law and Order announced in September that arms caches had been discovered in many parts of the country. (*Star* 10.9.85; *FM* 15.11.85)

As the occupation of the townships by the police and army continued, growing support for armed resistance among the black population was evident. In spite of the dangers of doing so, 36 per cent of a sample of black respondents in a survey in September said that they supported armed struggle against the regime. (*BBC* 10.9.85)

POLITICAL TRIALS

A number of political trials related to the armed struggle took place in 1985, and many more were under way at the end of the year about to start. Many of these trials were of people who had attempted to leave South Africa to receive military training, encourage others to do so or received military training outside the country. Other trials were of people alleged to have been involved in armed activity or to have been responsible for establishing arms caches or possessing arms and ammunition.

Two members of the ANC were sentenced to death in January for killing a person whom they had been led to believe was a police informer. The ANC said that the apartheid regime had put out misleading information and that 'ultimate responsibility' for the killing lay with the regime. (*FOCUS* 58 p.8)

In a trial which began in October arising out of the armed struggle, four of the 12 accused demanded prisoner of war status and refused to take part in the proceedings. They were accused of establishing arms caches in Natal. (*CT* 16.10.85; *S Trib* 20.10.85; see *MAPUMULO AND OTHERS* under *POLITICAL TRIALS*)



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