

South Africa/Namibia
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Circular 14 September-October, 1983

Destabilization in Southern Africa - A Review

AIUSA Prisoner Update

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"DESTABILISATION IN SOUTHERN AFRICA"

A Review by Paul Lazar

The July 16, 1983 issue of The Economist features a 10-page article, called "Destabilisation in Southern Africa." I strongly recommend this article to you, as it assesses the current events in the region in terms of South Africa's economic and military dominance.

Economist writer Simon Jenkins presents the new South African leadership as being on the offensive. In order to ensure its own stability (which should not be underestimated), the government is willing to destabilize the regimes in Mozambique, Angola and Zimbabwe through counter-revolution and economic chaos. In Namibia, South Africa maintains a stalemate, backed by the United States, using the presence of Cuban troops in Angola as its justification.

Since 1979, South Africa, according to Jenkins, has sought "its own salvation in a regional context...not South Africa versus the front-line states and the rest of the world, but South Africa locked in mortal embrace with the front-line states while the rest of the world could go hang."

In order to maintain the current atmosphere of instability among the front-line states, South Africa "must suffer intense dislocation along [its] border and factionalism among [its] sponsored dissidents." Yet the long-term results of a policy of destabilization may prove to be South Africa's own downfall. Should South African-backed insurgents be victorious, South Africa would find these new governments to be overwhelmingly expensive. Jenkins maintains that "backing insurgents in the mountains or on the bushveld is chicken-feed compared to backing them in power."

His bottom line warning to South Africa is:

"Destabilisation is not control. South Africa can throw its weight about the subcontinent; it cannot rule it. Its achievement will be anarchy."

AIUSA PRISONER UPDATE

This Update highlights only those changes in prisoner status or prisoner assignments made since Circular 13 was published.

Newly Assigned Cases to the US Section-

26 (New York, New York) SADA

SIMON WAYENE, Chairman of East London branch of the General Workers' Union, detained in March by Ciskei Security Police and is reportedly still detained. He is held in Ciskei under the National Security Act of 1982, which permits indefinite incommunicado detention without trial by security police for interrogation purposes. The place of detention is unknown.

10 (Hanover, New Hampshire) SADA

PRISCILLA MAXONGO, member of the South African Allied Workers Union (SAAWU) detained early August by Ciskei Security Police together with at least 20 other SAAWU members. Believed to be held under Section 26 of the Ciskei National Security Act which permits indefinite incommunicado detention without trial. Possibly held at Mdantsane police station.

113 (Chicago, Illinois) SADA

WONGAMA JAMES NGUONDELA, Age, 24 a manual worker, detained on May 17th by South African Security Police in Kwazakele near Port Elizabeth. He is believed to be held under Section 29 of the Internal Security Act, #74 of 1982, which permits indefinite incommunicado detention without charge or trial by Security Police for interrogation purposes.

265 (New York, New York) SADA

TULI VUYAMI BOBO, Age 27, a manual worker, detained on May 10th by South African Security Police in New Brighton township near Port Elizabeth. He is also believed to be held under Section 29 of the Internal Security Act, #74 of 1982.

245 (Eugene, Oregon) SADA

MICHAEL ZWELIYAZUZA XEGO, Age 29, unemployed, detained on June 1 by South African Security Police in Kwazakele near Port Elizabeth. He is also believed to be held under Section 29 of the Internal Security Act, #74 of 1982.

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159 (Virginia) SADA

MELVIN MAUPUUYE, member of the SAAWU, detained together with members of the SAAWU in early August in the Ciskei. Information same as in Maxongo case above.

137 (California) SADA

NORMAN BONANI, member of the SAAWU, detained together with a group of trade unionists in early August by Ciskei Security Police. All other information as in the Maxongo case above.

Rebanned and Newly Banned Cases-

74 (Garden City, New York) Dr. Christian Beyers-Naude

316 (New York, New York) Winnie Mandela

The case of Dr. Christian Beyers-Naude has been handled by Group 74 and this section for a number of years. The case of Winnie Mandela is new to our section and we trust that Group 316 will work enthusiastically on her behalf. In the next issue of the Circular we plan to devote some space to the section's past and future work on these cases.

Recently Lifted Banning Orders-

316 (New York, New York) Dr. Ramphela Mamphela

75 (Atlanta, Georgia) Andrew Boraine

211 (Washington, D.C.) Phil Mtimkulu

29 (Kalamazoo, Michigan) Fanyana and Thandisizwe Mazibuko

The article following this Update discusses the recent lifting of 55 banning orders by South African government.

Rearrested-

67 (New Jersey) Siza Njikelana (see Urgent Action)

Assigned and Released Within the Last 2 Months-

10 (Hanover, New Hampshire) SADA

LULAMILE SOTAKA, released uncharged. Detained April 11, 1983 by Ciskei Security Police under Ciskei National Security Act of 1982 permitting indefinite incommunicado detention.

AIUSA Prisoner Update....

137 (La Jolla, California) SADA

CAWENI SOTYELELWA, released uncharged. Detained by Ciskei security police on April 1, 1983 after speaking publicly at a rally. He is councillor in Mdantsane, a black township in the Ciskei, near East London.

47 (Bloomington, Indiana) SADA

NKOSEHLANJA MKONJWA, released uncharged. Detained in April 1983 by Ciskei Security Police. Mkonjwa is a trade unionist.

50 (Illinois) SADA

BENSON NKASINATHI FIHLA, was released on July 23, 1983. Detained on June 1, 1983 in New Brighton township near Port Elizabeth.

Closed cases-

166 (Beverley, Massachusetts)

MONO BADELA, had been banned, but lived under reasonable circumstances as he received some salary from the newspaper he had formerly worked with. His banning order expired in January, 1983 and he may now resume working. See his article in the "Sowetan", January 28, 1983, in our clippings section.

98 (Connecticut)

ARTHUR MAFISTO THUNTSI, closed as of 7/83, was detained in Kimberley on Feb. 14, 1981 and held with other students detained in mid-January. He was detained for about two years, most of the time incommunicado. He was released uncharged. The AG was unable, despite diligent work, to establish any contact with him or his family.

83 (Washington, D.C.)

HORATIUS VUYISILE MDLELENI, a POC since 1979 and alternately detained banned, detained, banned, and finally, in July, 1982, his banning order was lifted. A writer, whose past letters to the group were very eloquent, he has not responded to letters from the group since his banning order was lifted.

AMNESTY'S CONTINUED WORK ON BEHALF OF PEOPLE IN SOUTHERN AFRICA

This past summer has brought some changes in the way Amnesty will be handling its' work on behalf of prisoners in South Africa, most significantly, our work on behalf of the banned.

On July 1, 1983, one year and one day after the introduction of the 1982 Internal Security Act, 55 banning orders then currently in force were withdrawn prematurely. Ten of those persons were re-banned and one remained in effect, leaving the number of banned people at 11. According to press reports, the South African government's decision to substantially reduce (by 80%) the number of banning orders is a response to widespread international pressure and criticism. If this is the case, there is reason to believe that action by Amnesty groups and members and other participants in the "Program of Action for Banned People in South Africa" will have made a significant contribution. The "Program" has received very wide support throughout the AI membership, which has been responsible for sustained pressure on South African authorities to release individual banned people from restrictions and generally to discontinue the use of banning orders. Since the first "Program of Action" was launched in 1980 the number of banned people has been reduced progressively and somewhat dramatically, having previously remained constant at around 150 for a number of years. Much of this reduction has resulted from the government rescinding individual banning orders in advance of their scheduled expiration date.

A number of those people recently unbanned were cases taken up by the United States section . They include Andrew Boraine (Adoption Group 75); Fanya and Thandisizwe Mazibuko (Adoption Group 29); Phil Mthinkulu (Adoption Group 211); Dr. Mamphela Ramphele (Adoption Group 316). The adoption groups will continue handling these cases as after-care cases. The purpose of giving these cases aftercare status is so that groups can contact the former banned person to find out whether s/he requires any further assistance from Amnesty. If London can assess, from information currently available, that assistance is not needed they will close the cases. Otherwise, the Secretariat in London will wait to hear from groups, through their semi-annual prisoner reports, whether the group and/or section is able to provide that assistance, or whether assistance is required from the International Secretariat. Groups working on these after-care cases should contact the co-group if they have problems in getting in touch with the formerly banned person. Groups whose cases have been given aftercare status may now apply to New York for a new prisoner dossier if they wish to work on another prisoner case.

The eleven people who remain banned are: Rowley Arenstein; Achamd Cassiem; Moki Cekesani; Johnny James Issel; Maxwell Madlingozi; Dumile Makanda; Nonzamo Winnie Mandela (whose case will now be taken up by this Section); Florence Mkhize Mswane; Immanuel Gottlieb Maxhuilili Nathaniel; Dr. C.F. Beyers Naude; Mathatha Tsedu. We will give you more information

Amnesty's Continued Work on Behalf of People in Southern Africa....

on these individuals in a future mailing. Insofar as your continued work on the "Program of Action for Banned People" is concerned we have not yet received further instructions from London. We suggest you write to the Minister of Justice, Hon. H.J. Coetsee, Union Buildings, Pretoria, South Africa, congratulating the government on the withdrawal of many of the banning orders but deploring the fact that new banning orders were imposed on ten people and that the order in force against Dr. Beyers Naude was not also withdrawn. It is a matter of concern also that most of the rebanned were restricted under orders of five years duration, whereas it has been recent practice for the government to impose banning orders of lesser terms of two or three years. Please urge the government to discontinue the use of banning orders.

The situation in the Ciskei, which has gotten increasingly worse in the past month, demands our attention at this time. We've enclosed a background paper on the Ciskei, entitled "Detention Without Trial," for your information. This paper was published by the IS in connection with the last SAN action. The South Africa Network (SAN) includes South Africa, Lesotho, Namibia, Malawi, Swasiland, Botswana, Zimbabwe, Angola and Mozambique. Amnesty concerns in any of these countries could be the theme of a SAN action. If your group is interested in participating in a SAN action and is willing and ready to write when the SAN actions are issued please return the clipping below.

Another aspect of Amnesty's work on South Africa is the SADA action. If the IS knows the names of detained people and some of the circumstances surrounding their detention, the IS issues a SADA case. Such SADA cases are extended Urgent Actions and will demand a twelve week work commitment from the group. We are asking groups, particularly those who had previously participated in the Program of Action for Banned People, to now consider participating in SAN or SADA. Please fill out the clipping below and return to: Southern Africa Coordination Group, 9007 Garland Ave., Silver Spring, Maryland 20901. We will contact each group individually before making any assignment; consider this a preliminary commitment.

Group _____ is willing to participate in SADA () or in SAN ().

Name _____

Address _____

Telephone (h) _____

(w) _____

As we are now officially known as the Southern Africa Co-group, we will, over the course of the next few newsletters, write articles concerning the nations comprising this region. Included in this article is information on Mozambique, Lesotho, Seychelles and Swaziland.

MOZAMBIQUE

South African jet fighters launched an air attack against Mozambique on May 23, 1983. The attack was in retaliation for a rush-hour bombing in downtown Pretoria which killed 18 people and wounded 217. The African National Congress (ANC) claimed responsibility for the Pretoria blast.

The attack on Maputo, Mozambique's capital, produced conflicting reports. Official Mozambique sources claimed six persons were killed and 40 wounded in the raid, which they said hit private dwellings and a jam factory. Western journalists were escorted to the damaged areas the next day.

South African defense officials contested this report, saying that 64 persons were killed, including 41 ANC guerillas. The South African communique also claimed that the attackers machine-gunned a "terrorist camp" of the ANC and nearby anti-aircraft site.

The recent raid will not change Mozambique's policy of allowing ANC members to stay in the country, Information Minister Jose Luis Cabaco announced soon after the raid. "It is a principle of our constitution" Cabaco said. Mozambique joined the eight other members of the Southern African Development Coordination Conference in a summit meeting in mid-July. The summit leaders appealed for international help to combat what they called an undeclared war against them by South Africa.

Since it gained independence from Portugal in 1975, the government of Mozambique has faced opposition from armed guerilla groups. These guerilla groups received support for the former Rhodesian Administration led by Ian Smith. In recent years the most active armed opposition group, the Mozambican National Resistance (MNR), is alleged to receive support from the South African government.

The government of President Samora Machel, who headed the Mozambique Liberation Front (FRELIMO) prior to independence, has resorted to more drastic tactics in the face of increasing opposition by the MNR and growing problems with black marketeering and smuggling. Mozambique introduced the death penalty in 1979 and has since executed 70 people. Last March the number of offenses punishable by death was extended and the first public executions were reported in April.

Defendants charged with offenses against state security are tried by the Revolutionary Military Tribunal, whose standards do not meet internationally accepted criteria for a fair trial. The death penalty has also been imposed retroactively on persons arrested prior to the legalization of capital punishment - a clear violation of international law.

This March the list of capital offenses was expanded to include black marketeering, smuggling, rape and violent robbery. Two men have since been executed for smuggling and black market offenses. In July Amnesty International published a report criticizing Mozambique's use of the death penalty. Also in March, Mozambique introduced public flogging for certain offenses. Amnesty International considers flogging a cruel, inhuman and degrading punishment and has appealed to Mozambican authorities to prevent any floggings from being carried out. Some of those sentenced to be flogged were convicted on charges of "rumor mongering" and Amnesty International is seeking further information about these in order to establish if they are prisoners of conscience.

Amnesty International is also concerned about the use of detention without trial in Mozambique particularly in cases of suspected involvement with the MNR.

LESOTHO

The government of Lesotho told the United Nations on August 11, 1983 that it will probably expel up to 3,000 black South African refugees because it can no longer withstand South Africa's military and economic pressures.

"This country is being suffocated," Lesotho Foreign Minister Evaristus R. Sekhonyana said.

South Africa, which surrounds Lesotho contends that the refugees are activists of the ANC. Lesotho denies this, saying it gives sanctuary only to genuine refugees from South Africa's apartheid. In turn, the government of Lesotho has accused South Africa of supporting the Lesotho Liberation Army (LLA), an anti-government guerilla group.

Lesotho is completely dependent on South Africa for all imports and exports and for the employment of over half of its breadwinners as migrant workers. The relationship between the two countries has been strained since the early 1970's. Lesotho had gained its independence in 1966, and initially Prime Minister Chief Leabua Jonathan received the backing of South Africa. Since the early 1970's, however, Chief Jonathan has stepped up his anti-South Africa rhetoric to drum up more domestic political support as well as more international aid, according to the Christian Science Monitor. Chief Jonathan has further strained relations with South Africa by announcing that five communist countries would be opening embassies in the country by 1984.

Last December South Africa made a military raid on what it claimed were ANC bases in Maseru, the Lesotho capital, killing 42 people. The Lesotho government charged that the victims were refugees and local citizens; Pretoria conceded that a dozen were innocent bystanders.

Since the December raid there have been numerous other incidents of violence in Lesotho, including bombings and raids on a village and a border post. The Lesotho government has blamed South Africa for the violence, while Pretoria has denied any involvement, calling the violence "communist-inspired".

Following two insurgent bombings in South Africa in May, which South Africa charged were organized by ANC rebels operating out of Lesotho, South Africa slowed traffic crossing all border posts into Lesotho for "security checks". The resulting long lines caused shortages of essential supplies in Lesotho, and prompted Foreign Minister Sekhonyana to meet with South African Foreign Minister Pik Botha. The meeting ended with a statement in which both governments agreed that neither should support elements involved in subversion against the other.

The meeting did not appear to lessen tensions, however, a few weeks later Prime Minister Jonathan publicly accused South Africa of mounting a systematic destabilization campaign against his government. South Africa in turn reactivated the border slowdown in mid-July, complaining that Lesotho was continuing to harbor ANC guerillas. South Africa has refused to comment on Lesotho's announcement of its plans to deport South African refugees. The U.S. State Department and the UN High Commissioner for Refugees confirmed that they had been asked by Lesotho to help relocate the refugees in other countries.

AI sent two missions to Lesotho in late 1981 following a series of political killings, the detention without trial of more than 40 people under the Internal Security Act of 1967, the the death in police custody of a detainees.

In September 1981 the home of Benjamin Masilo, Chairman of the Christian Council of Lesotho, was attacked. Masilo narrowly escaped death and fled into exile, alleging that his attackers were members of the paramilitary Police Mobile Unit (PMU). A few days later armed men who identified themselves as police officers abducted newspaper editor and outspoken critic of the government Edgar Motuba. Motuba was found murdered the next day.

Many of those detained were accused of having ties with the LLA, the military wing of the exiled faction of the Basutoland Congress Party (BCP). The long-standing antagonism between the BCP and Prime Minister Jonathan's government dates from 1970, when the government declared a state of emergency and cancelled the results of a general election which it appeared to have lost. The LLA has become increasingly involved in guerilla warfare since early 1979.

Detainees interviewed by the AI mission made consistent and mutually corroborative allegations of ill-treatment in detention, including assault under interrogation.

SEYCHELLES

Seychelles President France-Albert René announced the release on July 22, 1983 of six mercenaries convicted of taking part in a failed coup attempt on November 25, 1981. The mercenaries were deported to South Africa and freed according to UPI.

The six detainees were among 52 foreign mercenaries who attempted to take over the Seychelles and to kill President René. While the others escaped, six were captured and charged with treason, the only offense carrying the death penalty in Seychelles. Four of the six had been sentenced to death.

At least 15 Seychellois nationals were arrested in December 1981 shortly after the coup. They were believed to be detained under the Preservation of Public Security Regulations, which permit indefinite detention without charge or trial. The government did not state the reasons for their detention and gave no indication they might face charges relating to the mercenaries' attack.

This was not the first time President René has released prisoners detained in connection with a coup attempt. In November 1979, following a series of internal disturbances, René had detained 78 men and women under the Preservation of Public Security Regulations. Those detained included former senior government officials and a former member of Parliament. In March 1980 an AI mission traveled to Seychelles at the government's invitation in order to inquire into these detentions. All 78 detainees had been freed by July 1980; none were ever formally charged.

SWAZILAND

The African Kingdom of Swaziland has been in the throes of a power struggle since the death of King Sobhuza II a year ago. The struggle transcends palace politics, reflecting regional tensions between South Africa and the ANC.

Sobhuza, who was 83 at the time of his death, was the world's longest reigning monarch. He left 70 wives and 150 children after ruling for 62 years. Sobhuza's trademark was mediating between Swaziland's tribal tradition and a

a gradual, measured modernization.

During Sobhuza's reign, South African authorities and ANC leaders had vied for his support. Sobhuza had alligned himself more with the ANC, holding a nominal membership in the banned movement. In the last years of his reign, however, Sobhuza drew closer to South Africa, which demonstrated a readiness to cede tribal lands to Swaziland which would give Swaziland an outlet on the Indian Ocean and more than double its population of 600,000.

The proposed land swap would give Swaziland the ethnic "homeland" of Kangwane (near the Mozambique border) as well as a strip of the KwaZulu "homeland" called Ingwavuma. Residents of these areas would be stripped of their South African citizenship and would become Swazi citizens. South Africa favors the swap because it might lead to greater cooperation with Swaziland in opposing the ANC. The majority of Swazi-speaking South Africans, however, oppose the scheme. Kangwane leader Mabuza and KwaZulu Chief Buthelezi have both strongly criticized the proposed land deal.

Before his death, Sobhuza chose his wife Dzeliwe, 53, to be Queen Regent, known as the Ndlovukazi or "she-elephant". Dzeliwe tried to continue Sobhuza's policy of cautious modernization, but ran into opposition from conservatives in the Liqoqo, the supreme national council. Tensions first came to a head last March, when Prime Minister Mabandla quarreled with the Liqoqo. The Queen Regent first strongly backed Mabandla, then, apparently to protect her own power, dismissed him, forcing him to flee the country. Mabandla had reservations about the South African land deal which the conservatives in the Liqoqo strongly advocate.

The latest round in the power struggle began on August 10 when the Liqoqo summarily announced the selection of a new Queen Regent, La Dwhala. La Dwhala's fifteen year old son, Prince Makhosetive, is universally considered Sobhuza's successor. He cannot assume the throne until the age of 21, however, and by tradition his mother would not have been named Queen Regent until then. Sources close to the palace have been reported in the press as saying that the Liqoqo's ouster of Queen Dzeliwe followed her alleged decision to hold general elections in November, which could have strengthened her position.

All's concerns in Swaziland include the use of the death penalty and detention without trial. Eight people are reported to have been hanged on July 2, all sentenced to death for committing ritual murders. These were the first executions since July 1981, when at least eight persons, also convicted of ritual murder, were hanged.

Between 90 and 100 Jehovah's Witnesses are reported to have been tried and convicted in late 1982 for refusing to cut their hair in accordance with a government directive after King Sobhuza's death. Thirteen Jehovah's Witnesses were sentenced to prison terms of up to one year, and their appeals were upheld by Swaziland's Chief Justice on April 7.

A well-known lawyer, Godfrey Siphso Mdhululi, was arrested in November 1981 on a 60-day detention order which has since been regularly renewed. Mdhululi had gone into exile after a colleague was detained. He returned to Swaziland in August 1981 following the unconditional release of the colleague and after being assured by Swazi officials that no actions would be taken against him. No reasons have been given for his imprisonment.

Elizabeth Kiss
August 1983

The following is a short synopsis of a paper prepared by Marc Epstein, a student at the University of Pennsylvania. Marc was an intern for the co-group this summer. We would like to thank Marc for his time, energy, and the great contribution he made to our work.

HOSPITALIZATION OF SOUTH AFRICAN DETAINEES

In November and December of 1981 the South African government ordered the detention of a large number of trade unionists, religious leaders, and other activists in an effort apparently designed to diminish the strength of the illegal union movement. At least eight detainees have been hospitalized since then, several of whom are known to be suffering from mental disturbances or physical symptoms that they allege resulted from torture.

The detainees' allegations are supported by a report prepared last year by the Detainees' Parents Support Committee, a two-year old multiracial group dedicated to monitoring and reforming South African security legislation. Their report, which Amnesty International termed an "authoritative document", details 70 sets of allegations of physical and psychological abuse of detainees since 1981. In most of the cases described in the DPSC report, similar or identical instances of abuse appear in information available to the Southern Africa Coordination Group.

The DPSC report is divided into nine categories of physical abuse (from dumping in cold water to electric shock) and seven categories of psychological abuse. There is no dividing line between the two in reality; physical attacks add to and heighten the forms of psychological abuse that are used and are an integral part of breaking a detainee's will.

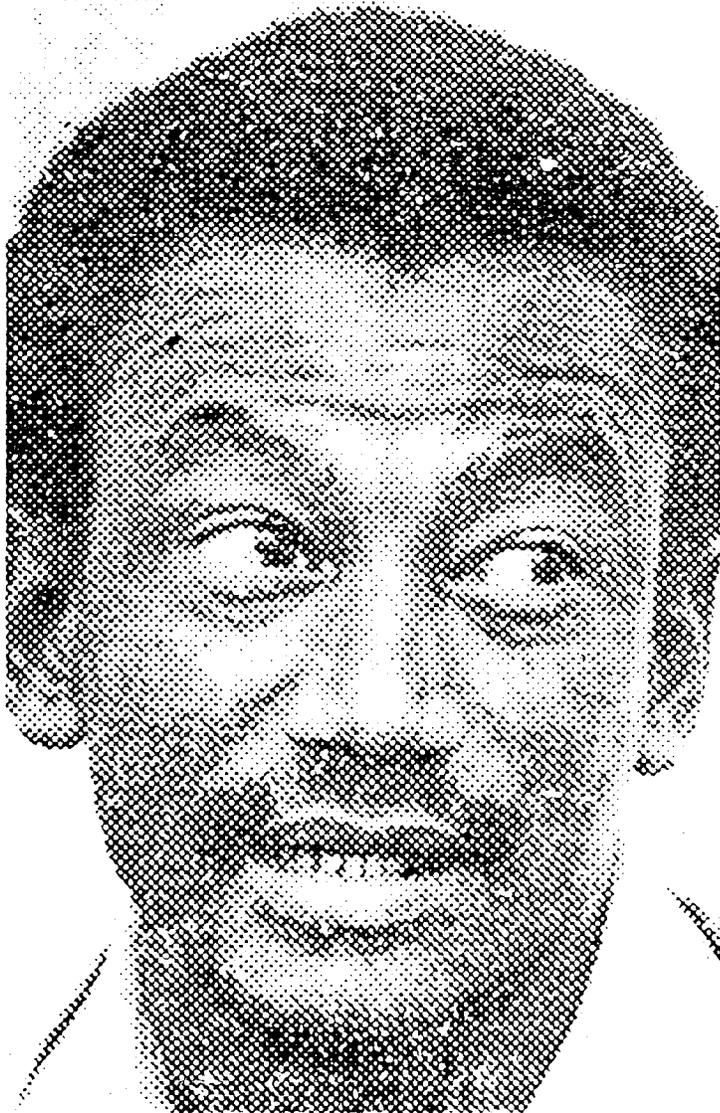
The DPSC report and other evidence suggests that since the November 1981 wave of arrests, the Security Police have frequently used numerous forms of physical and psychological abuse aimed at prominent political figures who are under detention. The severity and frequency of this abuse suggests that the Police hope to "break" the detainees in order to force confessions from them.

The hospitalization of at least ten detainees since November 1981 from symptoms ranging from "complete physical collapse" to "mental anguish" strengthens the evidence that increased abuse is occurring. Several of those hospitalized are prominent leaders like Thozamile Gqweta, founder of one of South Africa's largest "unregistered" unions, and Reverend Simon Farisani, a prominent Lutheran churchman in Venda, and their statements following release suggests that a coordinated effort was made to "break" them through physical and psychological abuse. Their placement in hospitals also allows the Security Police to escape responsibility for their condition since they cannot be examined by doctors of their choice and may be hospitalized until evidence of abuse has disappeared.

Hospitalization of South African Detainees.....

Amnesty International has shown considerable concern for the condition of detainees arrested and subsequently hospitalized. Several detainees have been the subject of SAN or Urgent Action appeals. The Southern Africa Coordination Group has prepared a report on the recent hospitalizations and allegations of increased abuse in order to publicize and counter this disturbing trend.

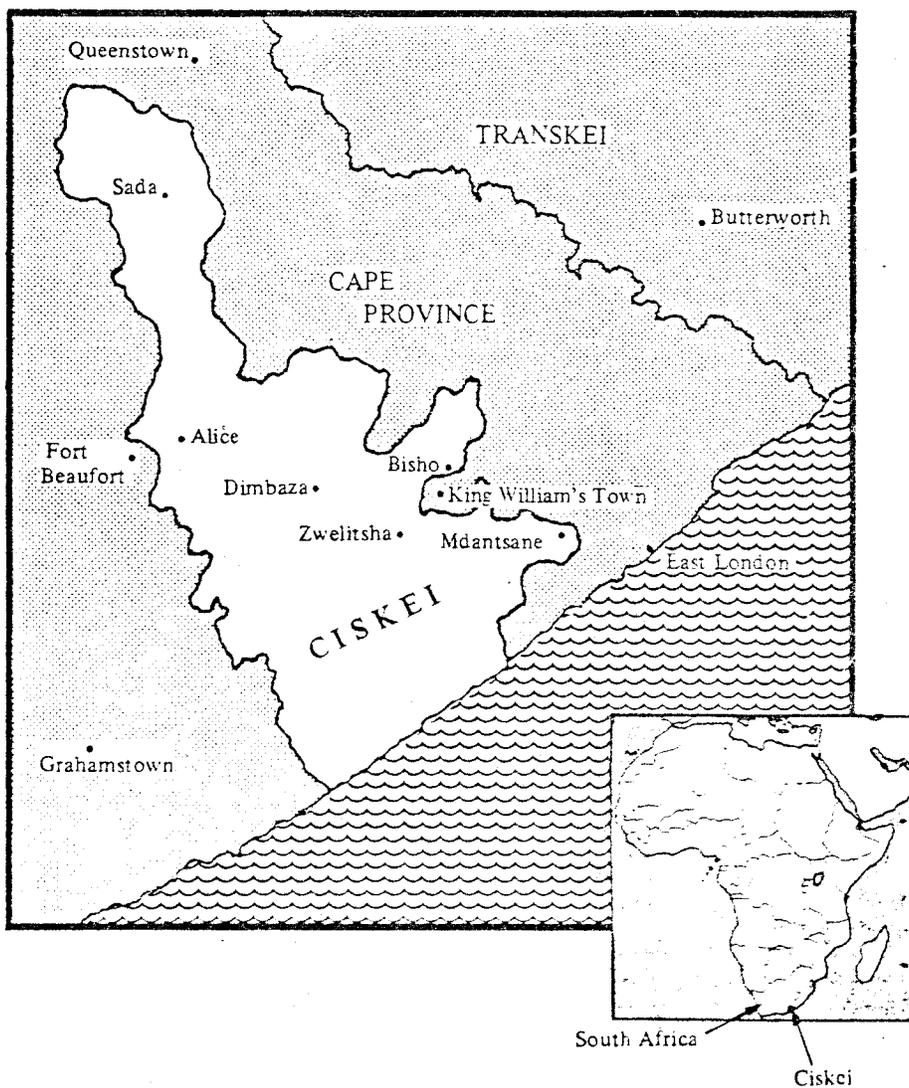
-Marc Epstein
August 1983



Zwelakhe SISULU
Banning
Order Lifted
July 83

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Amnesty International
22 August 1983



WAVE OF ARRESTS AND DETENTION WITHOUT TRIAL IN THE CISKEI 'HOMELAND'

The IS Research Department reports (August 22, 1983):

SOUTH AFRICA: Detentions in Ciskei, July-August 1983

Amnesty International is concerned over reports that many people are currently detained without trial for political reasons and that others have recently been killed by police in Ciskei, which has been affected by serious civil unrest since mid-July 1983.

Those detained, whom some estimates put at between 60 and 100 people, appear to fall into two broad groups. One comprises at least 15 members of the Ciskei administration or security services who were arrested in mid-July 1983 following reports of an apparent attempt to replace Life-President Lennox Sebe with his brother, Lieutenant-General Charles Sebe. The other, larger group comprises people detained in connection with a boycott of bus services by black industrial workers and commuters who live in Mdantsane township near East London. They include at least 25 officials or members of black trade unions, including both the South African Allied Workers' Union (SAAWU) and the Transport and Allied Workers' Union (TAWU). Hintsisa Siwisa, a lawyer engaged to represent some of the detained trade unionists and other people involved in the bus boycott, is also among those detained.

The first indication of serious divisions within the Ciskei administration occurred on 14 July 1983 when the Deputy Head of the Central Intelligence Service (CIS), Brigadier Harvey Tamsanqa, and three other CIS officers were arrested. At the same time, Life-President Sebe suddenly cut short an official visit to Israel, returning prematurely to Ciskei on 15 July. The same day, shots were fired at the home of B. N. Pityi, Ciskei's Foreign Minister and a close friend and associate of Life-President Sebe. On 16 July the Life-President convened a special news conference at which he announced the immediate dissolution of the CIS and a restructuring of Ciskei's defence and security services. The powers of Lieutenant-General Charles Sebe, who until then had effectively headed these services, were curbed. He was given responsibility for a new National Intelligence Service (NIS), modelled on South Africa's former Bureau of State Security (BOSS), but his authority to order or sanction the use of detention without trial was removed. Life-President Sebe said that in future the Minister of Justice would have responsibility for the police, including the security police, and for the prison service. A Ministry of

Defence would also be created to take responsibility for Ciskei's military forces.

Three days later, on 19 July, Lieutenant-General Charles Sebe and at least eight others were arrested, apparently by a joint force of Ciskeian and South African security police. The other detainees included Major-General Tallefer Minaar, a senior South African security officer seconded to Ciskei as a personal adviser to Charles Sebe, and Mbulelo Xaba, son of Ciskei's Vice-President, Reverend W. M. Xaba. All those arrested were apparently detained without trial under Section 26 of the National Security Act of 1982 and denied access to legal counsel or to visits from relatives. The Act permits such detention for an unlimited period.

A few days later, relatives of Lieutenant-General Sebe, Major-General Minaar and other detainees brought an application before the Ciskei Supreme Court to declare the detentions illegal. This was the first time that such an application is known to have been made in respect of detainees held under the National Security Act. It was heard by the Supreme Court on 27 July, but rejected on the grounds that Section 26 of the National Security Act states explicitly that "No court of law shall have jurisdiction to pronounce upon the validity of any action taken in terms of this Section, or to order the release of any person detained in terms of the provisions of this Section". In evidence laid before the Court, Charles Sebe's wife is reported to have expressed fears for his safety and to have alleged that people imprisoned in such circumstances could be "strangled or poisoned".

None of those detained apparently in connection with dissension within the Ciskei administration and security services had been charged with offences or brought before the courts by mid-August 1983.

By coincidence, these events affecting the leadership of the Ciskei administration occurred at a time of growing civil unrest and popular opposition within Ciskei to the current administration's policies. The immediate focus of unrest was a decision by a local bus company to increase its fares by around 10% on the route between Mdantsane township, which is situated within Ciskei's borders, and East London, a few miles away in that part of South Africa officially designated under the government's policy of apartheid for exclusive occupation by white people. The proposed fare rise affected black residents of Mdantsane, one of the largest black townships in southern Africa, who rely for employment on the industrial and commercial areas of East London to which they must commute daily. The Ciskei administration stood to gain directly from the fare rise through its half-ownership of the Ciskei Transport Corporation (CTC), which owns the bus company serving the Mdantsane-East London route.

In mid-July, a boycott of the bus services was launched in Mdantsane to protest the rise in fares. This achieved very wide public support and appears to have been seen by the Ciskei administration as a direct challenge to its authority. Mdantsane commuters attempted to make their way to and from work without using the bus services: they sought instead to use local train services and there was increased use of local taxis to ferry people to and from work. The authorities then intervened and attempted to break the boycott through forcible means. It was reported that the Ciskei police established road blocks and stopped private cars and taxis used to take commuters into East London. Some of these were impounded; others were turned back. There were also reports that the occupants of such vehicles were subjected to harassment and to

assaults by the police and by civilian supporters of the ruling Ciskei National Independent Party (CNIP). These events came to a head at the end of July and in the first days of August when police took up positions outside railway stations in Mdantsane, attempting to prevent commuters from boarding trains and to force them instead to board buses bound for East London. A state of emergency was declared in Mdantsane by the Ciskei Minister of Justice on 3 August, and on both that day and the next there were several shooting incidents which resulted in between five and fifteen people being killed and many others injured by police. A curfew was declared in Mdantsane from 10 o'clock at night until 4.30 in the morning.

As the boycott continued in late July, the authorities commenced a wave of arrests of real and suspected opponents of the administration. On 21 July, police detained Sisa Njikelana, Vice-President of SAAWU, and another SAAWU official, Bonisile Tuluma. More than 20 other SAAWU officials and members are known to have been detained in the following three weeks. Other trade unionists were also detained, including Cameron Nzimane and Lulamile Qamarana, both officials of TAWU. Like Sisa Njikelana and other SAAWU members, they were believed to have been detained without trial or charge under Section 26 of the National Security Act of 1982, and to be held incommunicado. By mid-August 1983, unofficial reports suggested that between 60 and 100 people had been detained under the same provision. However, no official information was forthcoming from the Ciskei authorities, who in a number of cases apparently declined even to confirm the legal basis for individual arrests.

In addition to those detained under the National Security Act, several hundred people were reported by mid-August to have been arrested in Ciskei for alleged breaches of the curfew or other offences connected with the bus boycott. A number of these were charged and brought to court for remand purposes, but most apparently remained in custody because they could not afford the high bail payments required by the courts.

At the beginning of August, a number of legal actions were brought against the authorities by people involved in the bus boycott. On 5 August, one group of Mdantsane workers applied successfully to the Ciskei Supreme Court for a temporary order restraining the police and security forces from further molesting, harassing or interfering with them. A further action was brought on 8 August by a taxi driver who successfully appealed for a court order prohibiting the police from molesting him further. Both these cases were brought by a well-known local attorney in Mdantsane, Hintsisa Siwisa. However, he was arrested when security police raided his house early on the morning of 8 August, with the result that he could not appear in person before the Supreme Court later that morning in order to conduct the taxi driver's case. At the time, Hintsisa Siwisa had also been engaged as legal counsel on behalf of the detained SAAWU members. Like them, he was placed in detention under Section 26 of the National Security Act and was still held without charge or trial in mid-August 1983.

At least two black journalists were also arrested. Leslie Xinwa, a reporter for the East London Daily Dispatch, was arrested on 8 August but held only briefly. However, on 16 August Ciskei security police arrested Charles Nqakula, a founder member of the Veritas News Agency in Ciskei and a correspondent for several South African newspapers. He was reportedly detained under Section 26 of the National Security Act. A former Vice-President of the Media Workers'

Association of South Africa (MASA), he had previously been restricted under a three-year banning order by the South Africa government in July 1981. Subsequently, this order was lifted prematurely in May 1982, but shortly thereafter he was declared a prohibited immigrant in South Africa and thus effectively restricted to Ciskei.

Further detentions of black trade unionists were also carried out on 16 August, this time by South African security police in East London itself. Those arrested and believed held under South African security legislation included Bonisile Norushe, an organiser for the African Food and Canning Workers' Union, who had previously been detained without trial on more than one occasion, and Mzuzwana Mogolo, a SAAWU branch official. SAAWU officials in other parts of South Africa, notably in Atteridgeville township near Pretoria and in Durban, were said also to have been arrested for security reasons in the preceding two weeks. These arrests suggest a degree of cooperation between the security police in Ciskei and South Africa.

Amnesty International is opposed to the use of indefinite detention without trial and advocates fair and early trials for all political prisoners. The organization is concerned by recent detentions in Ciskei and the conditions under which detainees are held under Ciskei security legislation. It is also concerned by reports of brutal treatment and killings of civilians by Ciskei police. In Amnesty International's view, the Ciskei authorities should release immediately and unconditionally all detainees who are not to be charged with criminal offences and brought to trial and should take all necessary measures to guarantee the physical safety of those in custody. In the light of reported brutal treatment and killings of civilians by members of the Ciskei police, Amnesty International recommends that the Ciskei authorities should establish an impartial inquiry to investigate these allegations and should take all possible steps to prevent any repetition of such events.

Seven AIUSA prisoner cases were among those arrested in the last sweep in the Ciskei (see the enclosed Urgent Actions). We encourage all groups receiving this Newsletter to participate in the Urgent Action letter writing.

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UA office • P.O. Box 1270 • Nederland, CO 80466 • 303 440 0913

International Secretariat • 10 Southampton Street • London WC2E 7HF England

UA 173/83

Legal Concern

11 August 1983

South Africa - Ciskei: Hintsia Siwisa

Hintsia Siwisa, an attorney at Mdantsane township, near East London, was detained by Ciskei security police who raided his home in the early hours of 8 August 1983. He is being held under Section 26 of Ciskei's National Security Act. This allows for incommunicado detention without charge or trial for an unlimited period and empowers the authorities to withhold all information about detainees. In this case, Hintsia Siwisa has been visited in detention at Mdantsane police station near East London by another lawyer but they have only been able to discuss defense arrangements for another case in which they act as defense counsel.

No reasons for the arrest of Hintsia Siwisa have been given by the Ciskei authorities but it seems likely that it is connected with his activities as a lawyer. A few days before his arrest he had successfully brought an application before the Supreme Court to restrain the police from molesting or assaulting commuters involved in a local bus boycott. Police have been trying to force people to board buses at Mdantsane in order to break this boycott and several people are known to have been killed by police as a result.

If he had not been detained on the morning of 8 August 1983, Hintsia Siwisa would have been instructing attorney at another case against the Ciskei authorities arising out of their attempts to break the bus boycott.

The bus boycott began after an increase in fares affecting industrial workers who live in Mdantsane Township, situated within the Ciskei African "homeland", but who have to travel to work in nearby East London, which is outside Ciskei in South Africa. Ciskei was declared "independent" by the South African government in December 1981 but has not been recognised internationally. The bus boycott, which has received support within the black community, has been seen as a challenge to the authority of the Ciskei administration which has reacted by attempting to break the boycott forcibly and by declaring a state of emergency and curfew in Mdantsane Township. Mdantsane is one of the largest black townships in South Africa after Soweto.

Amnesty International is concerned that Hintsia Siwisa is being held in indefinite incommunicado detention without charge or trial, apparently because of his professional activities as a lawyer.

Recommended Action:

telegrams/ airmail letters expressing concern about the detention of Hintsia Siwisa, requesting that he be granted immediate access to legal counsel and family visits, and urging that he be released immediately and unconditionally unless charged and brought to trial.

Appeals to:

His Excellency Lennox Sebe, Life-President of Ciskei, Government Offices, Zwelitsha, Ciskei, South Africa (telegrams to: President Lennox Sebe, Zwelitsha, Ciskei, South Africa)

Amnesty International is an independent worldwide movement working for the international protection of human rights. It seeks the release of men and women detained anywhere because of their beliefs, color, sex, ethnic origin, language or religious creed, provided they have not used or advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

Colonel Z. Makuzeni, Chief of Security Police, Zwelitsha, Ciskei, South Africa
(telegrams to: Col. Makuzeni, Chief Security Police, Zwelitsha, Ciskei, South Africa)

Mr D. M. Takane, Minister of Justice of Ciskei, Government Offices, Zwelitsha, Ciskei
South Africa (telegrams to: Minister Justice, Takane, Zwelitsha, Ciskei, South Africa)

Mr B. N. Pityi, Minister of Foreign Affairs of Ciskei, Government Offices, Zwelitsha,
Ciskei, South Africa (telegrams to: Minister Foreign Affairs Pityi, Zwelitsha,
Ciskei, South Africa)

Appeals may also be sent to the following South African officials urging them to use
their influence to obtain the release of Charles Nqakula if he is not to be charged
and brought to trial:

Hon. R. F. Botha, Minister of Foreign Affairs and Information, Hendrik Verwoerd
Building, Parliament Street, Cape Town, South Africa

Hon. Louis Le Grange, Minister of Law and Order, Union Buildings, Pretoria, South
Africa

(note: the "homeland" of Ciskei was declared "independent" by the South African
government in December 1981 but has not been recognised internationally as being
independent.)

Copies to:

- South African Press Association, PO Box 7766, Johannesburg, South Africa
- The Editor, Sowetan, PO Box 6663, Johannesburg 2000, South Africa
- Council of Unions of South Africa, PO Box 10928, Johannesburg, South Africa
- Federation of South African Trade Unions, PO Box 3-2, Kasselvlei 7533, South Africa
- The Editor, Daily Dispatch, PO Box 131, East London, South Africa
- and to His Excellency Ambassador Bernardus G. Fourie, Embassy of South Africa, 3051
Massachusetts Ave NW, Washington DC 20008

Please send appeals as soon as possible. Check with the Colorado office if
sending appeals after 19 September 1983.

Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended action. If possible, send a telegram or airmail letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 1—"Everyone has the right to life, liberty and the security of person."

Article 5—"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9—"No one shall be subjected to arbitrary arrest, detention or exile."

The name of Amnesty International may be used, although letters written in a private or professional capacity are often more effective.

In Urgent Action cases, AI has to act rapidly to prevent the ill-treatment of prisoners. An appeal is issued when AI believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new

information.

Information about the alleged connection of any person with an organization which is banned in their country is provided as information only and should not be included in appeals.

Correct salutations include: Dear Sir - for local authorities, prison commanders, police chiefs; Your Honor - for judges; Dear Admiral, General, Captain, etc. - for military officers; Your Excellency - for most minister-level officials; in closing you can use Yours Sincerely and Respectfully for any authority.

Send your appeals in English unless you are fluent with the language.

Copies of any replies received from government authorities should be sent immediately to the San Francisco office. If appropriate, thank the official who has replied and ask to be kept informed about the case.

Postage Costs: airmail letters cost 40¢ a page (1/2 oz.) to most countries; aerogrammes are 30¢ each; airmail postcards cost 28¢ to most countries; letter telegram rate telegrams with a 12-word text cost approximately \$5.00 depending on the country and word count; full-rate telegrams cost approximately 31¢ a word including address, text and signature. Mail with colorful stamps may not reach its destination.

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international****URGENT
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International Secretariat • 10 Southampton Street • London WC2E 7HF England

UA 182/83

Fear of Torture/Legal Concern. 19 August 1983

South Africa - Ciskei: Charles Ngakula

Amnesty International has received reports that Charles Ngakula, a journalist aged 35, was arrested on 16 August by Ciskei security police. He is now being held incommunicado and without charge or trial under Section 26 of Ciskei's National Security Act of 1982. His place of detention is not known.

Charles Ngakula works for the Veritas News Agency in Ciskei and is a correspondent for South African newspapers. He is former acting-President of the Media Workers' Association of South Africa (Mwasa), the main trade union representing black journalists and media workers.

Charles Ngakula was previously restricted under a 3-year banning order by the South African government in July 1981, which prevented him from continuing his work as a journalist and trade union official. He was at that time adopted by Amnesty International as a prisoner of conscience. His banning order was lifted in May 1982 but shortly afterwards he was declared a prohibited immigrant by the South African government and was thus effectively restricted to Ciskei.

The latest reports received by Amnesty International suggest that possibly between 60 and 100 people are now similarly detained for political reasons in Ciskei, and as many as 800 others have been arrested for a variety of alleged offences relating to the current state of emergency and curfew in force at Mdantsane Township near East London.

Since mid-July 1983 there has been serious civil unrest in Ciskei in connection with the Ciskei administration's attempts to forcibly break a boycott of bus services by black people who live in Mdantsane Township, a large black township situated within the borders of Ciskei, but who work in the "white" town of East London, situated outside Ciskei in the area still administered directly by the South African government. The bus boycott started after a rise in fares introduced by the Ciskei authorities. The boycott has received considerable support in the black community. The authorities have tried to end the boycott forcibly: several people are known to have been shot dead and others injured by Ciskei police who attempted to force people not to boycott buses.

A number of detainees held in the past by the Ciskei security police have alleged after their release that they were tortured or otherwise ill-treated while in custody.

Recommended Action:

telegrams/express letters/airmail letters: expressing concern about the detention of Charles Ngakula and urging that his physical safety be guaranteed while in custody; urging that he be granted immediate access to legal counsel and his family; urging that he be released immediately and unconditionally unless charged and brought to trial.

Appeals to:

His Excellency Lennox Sebe, Life-President of Ciskei, Government Offices, Zwelitsha, Ciskei, South Africa (telegrams to: President Lennox Sebe, Zwelitsha, South Africa)

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Colonel Z. Makuzeni, Chief of Security Police, Zwelitsha, Ciskei, South Africa
(telegrams to: Col. Makuzeni, Chief Security Police, Zwelitsha, Ciskei, South Africa)

Mr D. M. Takane, Minister of Justice of Ciskei, Government Offices, Zwelitsha, Ciskei, South Africa (telegrams to: Minister Justice Takane, Zwelitsha, Ciskei, South Africa)

Copies to:

Mr N. J. J. Van Rensburg, Secretary General, The Association of Law Societies of, the Republic of South Africa, PO Box 1428, Pretoria, South Africa

The Secretary, The Law Society of the Cape of Good Hope, PO Box 4528, Cape Town, South Africa

The Editor, Daily Dispatch, PO Box 131, East London, South Africa

South African Press Association, PO Box 7766, Johannesburg, South Africa

His Excellency Ambassador Bernardus G Fourie, Embassy of South Africa, 3051 Massachusetts Ave NW, Washington DC 20008

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Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 1—"Everyone has the right to life, liberty and the security of person."

Article 5—"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9—"No one shall be subjected to arbitrary arrest, detention or exile."

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information.

Information about the alleged connection of any person with an organization which is banned in their country is provided as information only and should not be included in appeals.

Correct salutations include: Dear Sir - for local authorities, prison commanders, police chiefs; Your Honor - for judges; Dear Admiral, General, Captain, etc. - for military officers; Your Excellency - for most minister-level officials; in closing you can use Yours Sincerely and Respectfully for any authority.

Send your appeals in English unless you are fluent with the language.

Copies of any replies received from government authorities should be sent immediately to the San Francisco office. If appropriate, thank the official who has replied and ask to be kept informed about the case.

Postage Costs: airmail letters cost 40¢ a page (1/2 oz.) to most countries; aerogrammes are 30¢ each; airmail postcards cost 28¢ to most countries; letter telegram rate telegrams with a 12-word text cost approximately \$5.00 depending on the country and word count; full-rate telegrams cost approximately 31¢ a word including address, text and signature. Mail with colorful stamps may not reach its destination.

URGENT ACTION Amnesty International URGENT ACTION

International Secretariat • 10 Southampton Street • London WC2E 7HF • United Kingdom • Telephone: 01-836 7788 • Telex: 28502

EXTERNAL (for general distribution)

AI Index: AFR 53/21/83
Distr: UA/SC

Please organize up to 30 appeals per section.

UA 177/83

File of Torture/Legal Concern

15 August 1983

SOUTH AFRICA (CISKEI):

- Siza NJIKELANA, Vice-President of the South African Allied Workers' Union (SAAWU)
 - Eric MNTONGA, Chairman, East London branch of SAAWU
 - Godfrey SHIBA, Humphrey MANEGWANA, and at least 16 other organizers and members of SAAWU
 - Cameron MZIMANE, member of the Transport & Allied Workers' Union (TAWU)
 - Lulamile QUMANE, member of TAWU
- =====

The black trade unionists above are currently reported to be detained without charge or trial in the African 'homeland' of Ciskei, which the South African government declared 'independent' in December 1981 but which has not been recognized internationally.

All of the above are thought to be held under Section 26 of the Ciskei National Security Act of 1982, which allows the security police to detain them incommunicado and without charge or trial effectively for an unlimited period. The Act also states that the security police may withhold all information about detainees; in the cases of the above, the authorities have apparently refused to disclose where the detainees are held or under what conditions.

All these trade unionists are believed to have been detained since mid-July 1983. Since then, there has been serious civil unrest in Ciskei in connection with the Ciskei administration's attempts to forcibly break a boycott of bus services by black people who live in Mdantsane township, a large black township situated within the borders of Ciskei, but who work in the 'white' town of East London, situated outside Ciskei in the area still administered directly by the South African government. The bus boycott started after a rise in fares introduced by the Ciskei authorities. It received considerable support in the black community. The authorities then tried to end the boycott forcibly; several people are known to have been shot dead and others injured by Ciskei police who attempted to force people not to boycott buses. A state of emergency and curfew has been declared in Mdantsane.

More than 350 people are said to have been arrested - apparently for breaking the curfew - and many others, including these officials and members of black trade unions, have been detained.

The SAAWU officials and members named above have all been previously detained without trial by security police either in South Africa or Ciskei. Siza Njikelana has been detained several times. In recent years, black trade unions - particularly SAAWU -

.../...

have been a major target of oppression by the Ciskei authorities, whose decision to accept 'independence' from South Africa they opposed. SAAWU has in fact been one of the fastest-growing black unions in South Africa, deriving much of its support from industrial workers in the Eastern Cape area. Part of its appeal appears to have been its refusal to accept official registration as a recognized trade union under conditions set by the South African government, and its willingness to become involved in broad political and social issues affecting blacks as well as more typical union interests in the area of industrial relations.

A number of detainees held in the past by the Ciskei security police have alleged after their release that they were tortured or otherwise ill-treated while in custody.

RECOMMENDED ACTION:

Telegrams/express letters/airmail letters to officials in Ciskei (addresses 1-3):

- expressing concern about the detention of SAAWU and TAWU trade unionists and urging that their physical safety be guaranteed while in custody;
- urging that they be granted immediate access to legal counsel and family;
- urging that they be released immediately and unconditionally unless they are to be charged with criminal offences and brought to trial.

Telegrams/express letters/airmail letters to officials in South Africa (addresses 4-5):

- expressing concern about the detention of SAAWU and TAWU trade unionists in Ciskei and urging that the South African authorities intervene and use their influence to ensure that the physical safety of the detainees is guaranteed;
- urging that they be granted immediate access to legal counsel and family;
- urging that they be released immediately and unconditionally unless they are to be charged with criminal offences and brought to trial.

.../...

- Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended action. If possible, send a telegram or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights.

Article 3 - "Everyone has the right to life, liberty and security of person."

Article 5 - "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 - "No one shall be subjected to arbitrary arrest, detention or exile."

- The name of Amnesty International may be used, although letters written in a private or personal capacity are often more effective.

- Copies of appeals should be sent to relevant diplomatic representatives in your country.

- In Urgent Action cases, Amnesty International has to act rapidly to prevent the ill-treatment of prisoners. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new information.

- Copies of any replies received from government authorities should be sent immediately to your national section, Urgent Action coordinator or direct to the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.

APPEALS TO: Please organize up to 30 appeals per section.

1. His Excellency Lennox Sebe
Life-President of Ciskei
Government Offices
Zwelitsha, Ciskei, South Africa
Telegrams to: President Lennox Sebe, Zwelitsha, Ciskei, South Africa
2. Mr B.N. Pityi
Minister of Foreign Affairs of Ciskei
Government Offices
Zwelitsha, Ciskei, South Africa
Telegrams to: Minister Foreign Affairs Pityi, Zwelitsha, Ciskei, South Africa
3. Colonel Z. Makuzeni
Chief of Security Police
Zwelitsha, Ciskei, South Africa
Telegrams to: Chief Security Police Makuzeni, Zwelitsha, Ciskei, South Africa
4. Hon. S.B. Botha
Minister of Manpower Utilization
Laboria Building
Paul Kruger Street
Pretoria, South Africa
Telegrams to: Minister Manpower Utilization Botha, Pretoria, South Africa
5. Dr. the Hon. P.C.J. Koornhof
Minister of Cooperation & Development
Ministry of Cooperation & Development
Bantu Affairs Building
Paul Kruger Street
Pretoria, South Africa
Telegrams to: Minister Cooperation & Development Koornhof, Pretoria, South Africa

COPIES TO:

Council of Unions of South Africa
PO Box 10928
Johannesburg, South Africa

South African Allied Workers Union
94 Tasnim Centre
122 Victoria Street
Durban 4001, South Africa

Trade Union Council of South Africa
PO Box 5592
Johannesburg, South Africa

South African Press Association
PO Box 7766
Johannesburg, South Africa

Federation of South African
Trade Unions
PO Box 322
Kasselsvlei 7533
South Africa

The Editor
Sowetan
PO Box 6663
Johannesburg 2000, South Africa

and to diplomatic representatives of South Africa in your country.

Please organize some appeals from TRADE UNIONS/TRADE UNIONISTS.

PLEASE SEND APPEALS AS SOON AS POSSIBLE. Check with the International Secretariat if sending appeals after 15 September 1983.

File in ... 1/16/83

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EXTERNAL (for general distribution)

AI Index: AFR 53/24/83
Distr: UA/SC

Each section is asked to organize up to 30 appeals in addition to appeals from TRADE UNIONISTS.

UA 183/83 Fear of Torture/Legal Concern 19 August 1983

SOUTH AFRICA:

- Mzuzwana MDYOGOLO, official of South African Allied Workers' Union (SAALU) in East London
- Boyce MELITASA, SAAWU organizer, East London
- Bangumzi SISWINGWA, member of SAAWU, East London
- David TANDANI, official of General Workers' Union, East London
- Bonisile NORUSHE, East London branch secretary of African Food and Canning Workers' Union

=====

Amnesty International has received reports that Mzuzwana Mdyogolo, Boyce Melitasa, Bangumzi Siswingwa, David Tandani and Bonisile Norushe were arrested by South African security police in East London on 16 August 1983. It is believed that they are currently being detained without charge or trial under security legislation. They are probably being held under section 29 of the Internal Security Act of 1982 which effectively permits detention without trial for an unlimited period for interrogation. It stipulates that detainees should be held incommunicado throughout their detention and they are generally held in solitary confinement. It is not known where these five trade unionists are currently being held, although they are probably in the East London area.

Many other arrests of black trade unionists have occurred in recent weeks in the Ciskei African "homeland" which adjoins East London. There has been serious civil unrest in Ciskei in connection with the Ciskei administration's attempts to forcibly break a boycott of bus services by black people who live in Mdantsane township, a large black township situated within the borders of Ciskei, but who work in the "white" town of East London, situated outside Ciskei in the area still administered directly by the South African government. The bus boycott started after a rise in fares introduced by the Ciskei authorities. The boycott received considerable support in the black community. The authorities then tried to end the boycott forcibly; several people are known to have been shot dead and others injured by Ciskei police who attempted to force people not to boycott buses. A state of emergency and curfew has been declared in Mdantsane. The most recent reports received by Amnesty International suggest that possibly between 60 and 100 people are being detained for political reasons in Ciskei and as many as 800 others have been arrested for a variety of alleged offences relating to the state of emergency and curfew in Mdantsane township.

Ciskei was declared "independent" by South Africa in December 1981 but has not been recognised internationally.

Many detainees held incommunicado in the past under South African security legislation have alleged torture or ill-treatment during interrogation. Several detainees have died in custody.

.../...

RECOMMENDED ACTION:

Telegrams/express letters/airmail letters:

- expressing concern about the detention of these five black trade unionists in East London and urging that their physical safety be guaranteed while in custody
- urging that their place of detention be disclosed and that they be granted immediate access to legal counsel and family
- urging that they be released immediately and unconditionally unless they are to be charged with criminal offences and brought to trial.

Each section is asked to organize up to 30 appeals in addition to appeals from TRADE UNIONISTS and TRADE UNION ORGANIZATIONS.

APPEALS TO:

Hon. P.W. Botha
Prime Minister
Union Buildings
Pretoria, South Africa

Telegrams to: Prime Minister
Botha, Pretoria, South Africa

Hon. L. Le Grange
Minister of Law and Order
Union Buildings
Pretoria, South Africa

Telegrams to: Minister Law Order
Le Grange, Pretoria, South Africa

General Johan Coetzee
Head of Security Police
Police Headquarters
Pretoria, South Africa

Telegrams to: Head Security Police
Coetzee, Pretoria, South Africa

COPIES TO:

Council of Unions of South Africa
PO Box 10928, Johannesburg, South Africa

South African Allied Workers' Union
94 Tasnim Centre
122 Victoria Street
Durban 4001, South Africa

Trade Union Council of South Africa
PO Box 5592, Johannesburg, South Africa

and to South African diplomatic representatives in your country.

Hon. H.J. Coetsee
Minister of Justice
Union Buildings
Pretoria, South Africa

Telegrams to: Minister Justice Coetsee,
Pretoria, South Africa

Hon. S.P. Botha
Minister of Manpower Utilization
Laboria Building
Paul Kruger Street
Pretoria, South Africa

Telegrams to: Minister Manpower Utilization
Botha, Pretoria, South Africa

South African Press Association
PO Box 7766, Johannesburg, South Africa

Federation of South African Trade Unions
PO Box 322, Kasselvlei 7533, South Africa

The Editor
The Sowetan

PO Box 6663, Johannesburg 2000, South Africa

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- Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 - "Everyone has the right to life, liberty and security of person."

Article 5 - "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 9 - "No one shall be subjected to arbitrary arrest, detention or exile."

- The name of Amnesty International may be used, although letters written in a private or personal capacity are often more effective.

- Copies of appeals should be sent to relevant diplomatic representatives in your country.

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Fear of Torture/Legal Concern

16 August 1983

NAMIBIA: Amos SILONGO Eino KUDUMA
 Simon HANGULA Simon NGHIPUNYA
 Timoteus NEPUNDA

Amos Silongo, a teacher from Rupara village in Kavango district, who was previously detained in March 1983, and Eino Kuduma, also a teacher from Rupara, were detained on 20 July 1983 together with four other people in Kavango.

Simon Hangula, an evangelist with the Evangelical Lutheran Church, Simon Nghipunya and Timoteus Nepunda, both teachers, were all arrested sometime during July 1983 in Kongo, eastern Ovamboland district.

All nine men are currently believed to be detained without charge or trial under Proclamation AG 9 of 1977, which authorizes incommunicado detention for unlimited periods. Two detainees who were held under the same legislation in November 1982 died in custody, allegedly as a result of torture or ill-treatment. Other former detainees have also alleged torture and in early August 1983 there were renewed reports of torture of detainees in Kavango by South African security forces.

Namibia has been under direct South African administration since 1915, despite demands by the United Nations since 1966 for South Africa to withdraw from Namibia and rulings that its continued occupation of the country is illegal. The South West Africa People's Organization (SWAPO) is engaged in guerrilla warfare against the South African administration.

RECOMMENDED ACTION:

Telegrams/express letters/airmail letters expressing concern over these detentions and recent allegations of ill-treatment of detainees. Urge that all detainees be granted immediate access to family and lawyers and that they be released without delay if they are not to be charged and brought to trial.

In letters, please urge that an impartial inquiry be established into allegations of torture and ill-treatment of detainees and civilians by South African security forces in Namibia.

APPEALS TO:

His Excellency Dr. Willem van Niekirk
Administrator-General
Private Bag 1327/8
Windhoek, Namibia (South West Africa)

Major-General Charles Lloyd
Commander-in-Chief
South African Defence Force
Headquarters
Windhoek, Namibia (South West Africa)

Telegrams to: Dr. van Niekirk, Private Bag 1327/8, Windhoek, Namibia

Telegrams to: Major-General Lloyd, South African Defence Force Headquarters, Windhoek, Namibia

Major-General Dolf Gouws
Commissioner of the South West Africa Police
Police Headquarters
Windhoek, Namibia (South West Africa)

Telegrams to: Major-General Gouws, Police
Headquarters, Windhoek, Namibia

Hon. P.W. Botha
Prime Minister of South Africa
Union Buildings
Pretoria, South Africa

Prime Minister Botha, Pretoria, South Africa

COPIES TO:

The Editor
Windhoek Advertiser
POB 56
Windhoek
Namibia (South West Africa)

The Editor
Windhoek Observer
POB 3717
Windhoek
Namibia (South West Africa)

South African Press Association
POB 7766
Mutual Buildings
Harrison Street
Johannesburg, South Africa

and to diplomatic representatives of South Africa in your country.

PLEASE SEND APPEALS AS SOON AS POSSIBLE. Check with the
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*still in effect,
9/16/83.*

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Government still to act on Rikhoto

The Rikhoto judgment in the Appeal Court appears to have caused flutters in the Nationalist dovecot with reports that there is a difference of opinion in Cabinet ranks as to

whether retrospective legislation should be introduced to block urban rights for blacks who now qualify.

As we went to press, the Government had not yet given any clear

indication of what it is doing following the recent Appeal Court decision to uphold the right of a Germiston migrant worker, Mr Mehlole Tom Rikhoto, to live

permanently in the city with his family.

The Minister of Co-operation and Development, Dr Piet Koornhof, has indicated that the matter is under review, but the ques-

tion remains whether the Government will take the drastic step of introducing legislation, retrospective or otherwise, to prevent the

TO PAGE 2

Rikhoto judgment causes flutter in Nat dovecot

FROM PAGE 1

countless migrant workers who now qualify for permanent residence to obtain it.

As we were going to press there were reports of Administration Boards, particularly the West Rand Administration and the East Rand Administration Board (under whose jurisdiction Mr Rikhoto fell and which had appealed to the Appeal Court following an earlier Supreme Court decision), processing applications from migrant workers for permanent

resident rights.

This followed calls by the Black Sash and others for migrant workers to apply for permanent residence, and a call on employers to assist their workers where necessary to obtain permanent residence status.

In terms of the Appeal Court decision migrants who have worked for one employer for 10 continuous years or who have lived lawfully in a city for 15 years can claim permanent residence rights in terms of Section 10 (1) (b) of the Black Urban Areas

Act.

The Black Sash fears that the Government may move to tighten influx control, thereby effectively nullifying the Appeal Court finding, in line with the proposed Orderly Movement of Black Person's Bill which is at present being considered by a select committee of Parliament.

For his part Dr Koornhof has said in Parliament that the Government would only take a final decision once further studies had been conducted. He had

earlier said that the Government was considering interim measures to "rectify" the position for migrant workers who might qualify for rights in terms of Section 10 (1) (b), but indicated that retrospective legislation to disqualify those who had already been granted such rights as a result of the Appeal Court decision would depend on the numbers involved.

The Minister also said that the Rikhoto decision had social and economic implications which no government could ignore.

The Progressive Federal Party MP for Houghton, Mrs Helen Suzman, has warned of the fury which would follow if retrospective legislation was introduced.

Meanwhile, the chairman of WRAB, Mr John Knoetze, is on record as having denied that the Board is turning away anyone applying for permanent residence rights.

"We are not turning anyone away but time is needed to check out applications", he told the Johannesburg afternoon newspaper, *The Star*.

Q1: The Guardian (Br), Aug 5, '83

Five die in Ciskei police blockade

From Patrick Laurence in Johannesburg

At least five people were shot dead in the "independent" black homeland of Ciskei yesterday when police and soldiers attempting to break a bus boycott opened fire on people trying to board trains to the nearby South African city of East London.

Witnesses said the trouble flared in the township of Mdantsane, the second largest in South Africa when soldiers blocking access to a train were defied by commuters. Stones were thrown and rifle-shots fired in the ensuing clash.

Some reports said that the toll might reach 15, and hospi-

tals said 45 people were injured.

Major G. Ngaki, spokesman for the homeland's police force, said later that police had fired on the crowd, not soldiers as the commuters said. He said that incident occurred on Wednesday night, but when pressed about the timing, he said he would investigate.

Hours before the incident, the Ciskei Minister of Justice, Mr D. M. Takane, who has undertaken to break the boycott, declared a state of emergency in Mdantsane. He imposed a curfew, from 10 pm to 4.30 am, backed by fines of up to R2,000 (about £1,175) or gaol sentences of as much as two years.

The boycott of the bus company, of which the Ciskei Government is a part owner, began two weeks ago. There have been two previous attempts to break the boycott.

On Tuesday, men armed with clubs and swords forced commuters out of registered taxis and ordered them to use the bus service. They were alleged to be vigilantes acting with the connivance of the Ciskei authorities. Some Mdantsane residents identified them as members of the ruling Ciskei National Independence Party.

In another move, Ciskei authorities impounded the cars of people who gave lifts to workers, saying they were carrying passengers illegally. Be-

tween 150 and 200 cars were impounded.

Officials of local trade unions, including the vice president of the South African Allied Workers Union, Mr Siza Njikelana, have been detained. Trade unions represent the only organised opposition to President Lennox Sebe. The shooting comes barely two weeks after the rift opened between President Sebe and his brother, the former generalissimo of Ciskei, Lieutenant-General Cnries Sebe. The general is now in detention with his former white adviser, Brigadier Minnaar. The Ciskei Supreme Court has turned down an application for their release from detention.

Ciskei

But, in the end, control in Ciskei does not rest on naked force as much as on subtler pressures and manipulation of social forces.

Of critical importance is the role of chiefs and headmen, nearly all of whom have been recruited as functionaries of President Sebe's governing Ciskei National Independence Party.

Their importance as agents of the system is highlighted by three salient facts.

Of South Africa's nominally independent states, Ciskei is the only one in which nominated chiefs outnumber elected members in the National Assembly ... by 33 to 22.

Even in Transkei, where chiefs are key buttresses of support for the ruling party, the ratio of chiefs to elected members is even at 75 each.

Emphasising their pivotal political role is their dominance in the Cabinet, where seven of the eight Cabinet Ministers are chiefs.

Finally, there is President Sebe's recognition of their importance in the political system, as manifest by his decision to make himself a chief in the late 1970s.

The chiefs retain their traditional role as allocators of land, though in Ciskei — as Pippa Green and Alan Hirsch have shown in an excellent article in the South African Labour Bulletin — the number of people who are given land for agricultural use is small and getting smaller.

Only about 25% of Ciskeians have land rights, and state policy is to reduce the proportion further by encouraging the emergence of a small class of capitalist farmers, a measure which involves removing people from the land within the Ciskei and relocating them to closer settlement, site-and-service townships.

The emerging class of farmers are co-opted as part of the privileged elite and dare not protest against injustice, lest they be deprived of their land and consigned to join the landless pariahs.

But these deprived and often desperately poor people, many of whom are found in Ciskei's notorious resettlement slums, are not people with nothing to lose but their chains.

They are dependent on chiefs and government-appointed headmen for the allocation of houses in resettlement centres, pensions and social welfare ... and, in the case of able-

bodied men, for contract work in South Africa.

Their dependency tends to produce acquiescence, not generate rebellion.

The Ciskei is, of course, a tiny and chronically poor territory, into which thousands of relocated "surplus people" have been squeezed.

Of its population of about 700 000, almost half have been resettled there in the past 20 years.

The crass facts of Ciskei's poverty were spelled out in the Quail Report: it has one of the highest population densities in South Africa (125 a km² against 25 a km² for South Africa as a whole), massive unemployment of between 20% and 25%, and an output per head in rural areas of only R40 a year.

As President Sebe observed before his controversial decision to accept Pretoria's version of uhuru: "Our people cannot eat flags and constitutions."

Against this stark background of unemployment and poverty, the lucky minority able to find employment in Ciskei are either co-opted as beneficiaries if they are employed as civil servants, or cowered into submission by the threat of dismissal if they obtain work in Ciskei's minuscule manufacturing sector.

For many, however, the only alternative to starvation is to obtain employment as migrant workers.

Except for the "frontier commuters" — who live in Ciskei and work in East London and other neighbouring white-controlled towns — the majority of workers have to work as migrant labourers to survive.

But the chiefs allocate the contracts for work sent out by the labour bureaux, which means that workers have to toe the line or starve.

The number of contracts a chief gets to distribute depends on his loyalty to the ruling party.

His ability to control his own fief is dependent in large measure on the number of contracts he has to distribute.

Thus, as Green and Hirsch note, the allocation of contracts is a form of control both over and by the chiefs, largely ensuring, together with their dependence on government stipends, that the chiefs remain loyal to the President-for-Life and his political lieutenants.

Allocation of contracts as a technique of control is being refined by the Ciskei Man-

power Development Centre.

The centre tries as far as possible to match workers with available vacancies by comparing what the worker has to offer with what the prospective employer wants.

But its role does not stop there.

Records are kept by the centre, including forms from the employer on which the worker's performance is noted.

Workers who "misbehave" by striking or failing to honour their contracts to the full risk being categorised as unreliable by the centre.

The upshot is that they will be blacklisted by the centre or the local chief or headman, to whom details of their performance as workers are sent.

To avoid blacklisting, migrant workers from Ciskei have to be exemplary citizens and workers, which means appeasing both their political governors at home and their employers in South Africa.

A justification cited by some for the Ciskei's marketing of its labour is that it ensures that Ciskei nationals acquire a reputation as hard and willing workers among South African employers.

Which, in turn, ensures that they get a larger share of the available contracts than workers from rival territories ... which means less starvation at home.

But there is another perspective: it means the chiefs and bureaucrats in the Manpower Development Centre are serving the interests of big business in South Africa as well as the ruling elite in Ciskei.

From that flows a further corollary: Ciskei, as a labour reservoir for South Africa, is an integral part of South Africa's political economy and in that context the fall of Gen Sebe is of peripheral importance to the ordinary worker.

FOES OF APARTHEID HOLD LARGE RALLY

7,000 Attend Biggest Protest Meeting in South Africa in at Least 25 Years

By JOSEPH LELYVELD

Special to The New York Times

CAPE TOWN, Aug. 21 — The largest anti-Government rally South Africa has seen in at least 25 years launched a multiracial movement Saturday to resist constitutional proposals that give Indians and "coloreds," but not blacks, a role in a Government that would continue to be dominated by whites.

To cries of "Amandla!" — the Zulu word for power — the imprisoned leader of the banned African National Congress, Nelson Mandela, was formally named a patron of the new movement, called the United Democratic Front.

Mr. Mandela, who has been in jail for 22 years, is serving a life sentence for treason at a prison that is less than 10 miles from the segregated township for people of mixed race, called coloreds, where the meeting was held Saturday night.

The authorities limit the size of political gatherings by banning outdoor rallies. But the organizers of last night's meeting had erected a huge tent next to the civic center where it was held and arranged for a video relay on large screens. About 5,000 people crammed into the center and tent in dangerously overcrowded conditions and 2,000 more stood outside in the chilly night to listen to the speeches over loudspeakers, despite warnings that they were risking arrest.

Mass Appeal of Opposition

The anti-Government forces that assembled under the umbrella of the new group thus demonstrated a mass appeal that contrasted sharply with that of the political parties that have agreed to go along with the new system.

Even more remarkable than the scale of last night's rally was the fact that it took place at all, with the Government allowing a resurgence of forces it has firmly held down for a generation.

Although there is no doubt that it could easily have blocked the emergence of the new front, the authorities apparently concluded that an attempt to prevent the meeting would only serve to alienate the groups they are hoping to draw into the new system.

Answer to Rightist Charges

They may also have calculated that a movement demanding full equality could be useful in white politics as a bogey, providing the Government with an answer to charges by rightists that the constitutional proposals, which are now being debated in the white Parliament, represent a sellout of whites.

The authorities showed their concern about links between the new front and the underground earlier this month by arresting one of its leaders, Albertina Sisulu, on charges of furthering the aims of a banned organization.

Mrs. Sisulu — whose husband, Walter, the former general secretary of the African National Congress, is serving a life sentence with Mr. Mandela — was nevertheless elected one of the front's three presidents on Saturday.

The other two also were former members of the African National Congress. One was Oscar Mpetha, a Cape Town labor leader now facing a five-year sentence on a terrorism charge at the age of 75; the other, Archie Gumede, a Durban lawyer whose father was president of the African National Congress more than half a century ago.

Group Banned in 1960

The African National Congress, the main movement of resistance to white minority rule, existed as a legal organization in South Africa for nearly 50 years before it was banned and forced underground in 1960.

Although most of the elected leaders were blacks, white and especially Indian intellectuals and students were conspicuous among the front's organizers. No more than half the delegates at the organizing congress that preceded the rally were blacks.

The front's emergence raised again an issue that has divided black nationalists in South Africa for decades — that of the role of whites in resistance movements. Even as it was being formed, the United Democratic Front came under attack at a large meeting Saturday in an adjacent colored township where white liberals were described as "the most far-seeing agents of apartheid capitalism" who attempt to "infiltrate the organizations of the people and capture their leadership."

This other meeting, held by the South African Council on Sport, was dominated by what are called "black consciousness" elements who now seem to be trying to express their opposition to a popular front with middle-class whites in Marxist terms.

The simultaneous meetings showed the division in the anti-Government forces but also the extent to which the constitutional proposals have seemingly revitalized them by providing a focus for their resistance.

The issue of alliances with whites who oppose apartheid was taken up for the United Democratic Front by Dr. Allan Boesak, a young colored clergyman who has had a major role in persuading international church groups to declare formally that apartheid is a heresy.

Dr. Boesak said he understood the emotions behind the black consciousness movement. "We have seen with our own eyes brutalization of our people at the hands of whites," he said.

But at a time when apartheid was being "modernized and streamlined" and given a "new multicolored coat," he went on, the struggle would have to be against blacks who collaborate as well as whites.

"South Africa belongs to all its people," he said. "Its future is not safe in the hands of people, whether they be white or black, who despise democracy."

South Africa Suspends Student Quota System

JOHANNESBURG, Aug. 30 (Reuters) — The South African Government, bowing to protests from English-speaking students and academics,

agreed to suspend a quota system imposed on nonwhite students attending white universities.

The quota system became law earlier this year. Previously, nonwhites had to obtain ministerial permission to go to a university attended by another race and had to prove that their own college could not provide the courses they wanted.

Though he welcomed the reprieve, Vice Chancellor Danie du Plessis of the University of the Witwatersrand said there were still racial restrictions on university admission.

National Education Minister Gerrit Viljoen said the situation would be closely monitored and hinted that quotas might be applied if too many nonwhites were admitted to white schools.

U.N. Chief Offers Help At Talks on Angola

Special to The New York Times

WINDHOEK, South-West Africa, Aug. 26 — The Secretary General of the United Nations offered today to play a role in negotiations on Angola and the Cuban troops there, but insisted that the Angolan issue was separate from the independence of South-West Africa.

"It would be most unfair to make the independence of Namibia depend on issues which are completely extraneous to the problem itself," the Secretary General, Javier Pérez de Cuellar, said at the end of his two-day visit here.

"I hate the idea of linking the two things," he said, but added that he was ready to take up the Angolan question "in a completely different effort but a kind of parallel effort" to the negotiations for the independence of Namibia, as South-West Africa is also known.

As a result of an understanding reached between South Africa and the United States two years ago the withdrawal of an estimated 23,000 Cuban troops from Angola has been effectively turned into a prerequisite for independence for Namibia under a United Nations plan that South Africa accepted in 1978.

The Secretary General said he was assured in Cape Town that the Cuban issue was the only obstacle holding up the transition to independence here.

R1: The Sowetan (SA), Aug 22, '83

Huge crowd at UDF launch

THE FORMATION of the United Democratic Front (UDF) highlights the crisis that apartheid and its supporters have created for themselves, Dr Allan Boesak, president of the World Alliance of Reformed Churches told the UDF rally in Cape Town this weekend.

The launching, held at the Rocklands Civic Centre in Mitchell's Plain, Cape Town, was attended by more than 12 000 people, making it one of the biggest political rallies since the Congress of the People held in Kliptown in 1955.

Although the organisers had expected the rally to be a success, the massive turnout from throughout the country was beyond their expectations.

The crowd swelled steadily from 9 am and when the emotional rally ended in a frenzied mood of speeches and songs, more than 12 000 people were jampacked into the main hall and adjoining tents with a massive television screen.

Dr Boesak said people had reached a stage where they did not beg for their rights but claimed them.

After the repressive measures of the 1960's the Government had expected the people to be immobilised by fear. "Instead they find a rising tide of political and human consciousness that swept away complacency and shook South Africa to its very foundation," Dr Boesak said.

Dr Boesak said blacks should not allow their anger at apartheid to become the basis for a blind hatred of all white people. "Let us not build our struggle upon hatred and hopes for simple revenge. The nature and quality of our struggle for liberation cannot be determined by the colour of one's

skin but rather by the quality of one's commitment to justice, peace and human liberation," he said to a tumultuous roar from the crowd.

Three presidents were elected: Mr Oscar, Mrs Albertina Sisulu and Mr Archie Gumede. Mr Popo Molefe was elected national secretary and Mr Mosioa "Terror" Lekota publicity secretary.

The organisation's patrons include: Nelson Mandela, Mrs Martha Mahlangu, mother of Solomon Mahlangu, Hassan Howa and all prisoners sentenced to life imprisonment under the security laws.

Messages of support were received, including those from Swapo, Bishop Desmond Tutu and various international organisations.

The speakers at the rally included Mr Aubrey Mokoena of the Release Mandela Committee, Helen Joseph, Mr Samson Ndou of the General and Allied Workers Union (Gawu), Mrs Francis Baard and Sheik Gamiet Gadier, chairman of the Muslim Judicial Council.

Mr Ndou said the unrest of 1976 marked a point of no return and had left a memory in the minds of freedom-loving people which could never be erased.

The organisation condemned the support that the United States and Britain gave to South Africa. "We demand the immediate end to the United States and British

By ZWELAKHE SISULU

Government's support for the South African Government and we reject the policy of constructive engagement."

The UDF said it did not purport to be a substitute movement to accredited people's liberation movements.

A declaration outlining the organisation's objectives was adopted and this read in part: "We pledge to come together in this UDF and fight side by side against the Government's constitutional proposals and the Koornhof Bills."

Various resolutions on the Group Areas Act, housing, cost of living, and education were passed.

R2: Rand Daily Mail (SA), Aug 11, '83

Azapo wants end to inter-group friction

Political Reporter
THE Azanian People's Organisation (Azapo) has committed itself to "creating a climate conducive to reducing friction among organisations of the oppressed".

This, coming the day after the United Democratic Front appealed to other organisations to join it for the sake of unity, may signify an improvement in relations between the two major black opposition groups.

The two groups — broadly defined as supporters of black consciousness and supporters of the Freedom Charter — have held talks recently and these are expected to continue.

On Monday, UDF leaders said at a Press conference they were not a "Charterist" organisation and appealed to all those who subscribed to their broad declaration of principles to join them.

Reacting to this yesterday,

Mr Ishmael Mkhabela, publicity secretary of Azapo, confirmed that they had had a formal meeting with UDF leaders.

Azapo, the leading exponent of black consciousness, was waiting for the UDF leaders to come back to them for further talks. The last round of talks have been delayed.

Mr Mkhabela said Azapo would be bound by its commitment to reduce friction between the groups, whatever the outcome of the talks.

"We won't go around trying to score points off them. The ideal for which we strive is more important than some people would like it to be," he said.

Azapo is a member of the National Forum (NF), a body that brought together mainly black consciousness groups and which was launched at roughly the same time as the UDF.

R10: The Sowetan (SA), Aug 18, '83

Sisulu

By NKOPHILE MAKOBANE

A DATE for the much awaited political trial against Mrs Albertina Sisulu and a Soweto school teacher, Mr Thami Mali, was yesterday set for October 17 in the Krugersdorp Regional Court when they made a brief appearance in the Johannesburg Regional Court.

The two have not been asked to plead to charges under the Suppression of Communism Act that they took part in activities of the outlawed African National Congress (ANC).

They were remanded in custody by Mr T J le Grange following the submission of a certifi-

cate from the Attorney-General that they should not be granted bail.

Before the announcement of the postponement, Mr A R van Wyk, for the State, informed the court that an agreement had been reached with the accused's attorney, Ms Priscilla Jana, on the trial date so that the case should proceed without interruptions.

At the end of their appearance, the court's silence was broken for a while when Mrs Sisulu turned in the direction of a packed gallery and raised a clenched fist. Some of the spectators in the courtroom responded with clenched fists and others smiled and waived at both accused

For 2 Apartheid Foes,

By JOSEPH LELYVELD

Special to The New York Times

BRANDFORD, South Africa, July 6 — Although they have encountered each other only once and come from political backgrounds that are now sometimes represented as being in conflict, Winnie Mandela and Mamphele Ramphela can be said to share a highly unusual kind of sisterhood.

The name of each of these two black women is inevitably mentioned in the same breath as that of a key political leader. Each of them has had to bear an almost unbearable loss. Each has been recognized as a significant political figure in her own right, not only by blacks but also by the white authorities who reserved a singular form of restriction for them, one that has left them with surprisingly similar perspectives on black politics.

That restriction was not only to silence them with what are called banning orders but also to banish them to obscure and impoverished rural communities, where they knew no one and where they would be isolated from the political milieu in which they had been effective.

Worked With Biko

Dr. Ramphela, a physician, was a co-worker of Steve Biko and was carrying his child when she was deposited by the security police in an obscure township in the northeastern Transvaal called Lenyenye in April 1977. That was less than six months before Mr. Biko, the youthful leader of what was known as the black consciousness movement, died of head injuries in police custody.

Barely a month after Dr. Ramphela's banishment, Mrs. Mandela, the wife of Nelson Mandela, the imprisoned leader of the outlawed African National Congress, was carried to an officially nameless black township in this Afrikaans farming community in Orange Free State. For 21 years Mrs. Mandela has spoken to her husband, who is serving a life sentence for treason, only through the partitions of prison visiting rooms. She herself has been banned for more than 20 of those 21 years.

Visited on successive days after the white authorities extended Mrs. Mandela's banning and banishment on July 1 for another five years and allowed Dr. Ramphela's to lapse, the two women spoke about defensive urgency they

a Sisterhood of Shared Fate

have derived from grass-roots work among the rural poor. They spoke, too, of their exasperation over the feuding that has recently been going on between black nationalist factions that respectively take Mr. Biko and Mr. Mandela as inspirations.

'These Irrelevancies'

"People who are really concerned and are really involved in the process of achieving liberation are too busy to worry about bickering about these irrelevancies," said Dr. Ramphela, dismissing the debate between a faction that upholds the Freedom Charter, a document drafted by the Congress movement 28 years ago, and another group that last month circulated a new manifesto calling for "total liberation

from racist capitalism" in what would be known as "the Azanian People's Republic." Implicitly, the new document challenged the old one's status as holy writ.

"I'm extremely concerned about the lack of seriousness in both camps, the so-called progressive forces and the so-called black consciousness group," Dr. Ramphela said. "There's very little progress in the progressive force, very little consciousness in the black consciousness group."

Mrs. Mandela, who met Dr. Ramphela for the first and last time in 1975, struck almost the same note. "I didn't realize they have so much time to waste to go and talk about these things on platforms," she said. "Where is there room for ideological differences at this stage? There's no room for it. We are fighting against oppression, against apartheid."

Neither Sees a Significant Change

Neither woman was prepared to read anything but a change in tactics into the Government's decision to let the banning orders lapse for all but 11 of the 61 previously banned people. Both said they thought the white authorities were making a gesture to Washington, rather than black opinion. "It's precisely for that cowboy Reagan," Mrs. Mandela said.

The American policy of "constructive engagement" with South Africa, she said, amounted to a suggestion to blacks to call off their struggle because "the bosses are working it out."

In her six years in Lenyenye, Dr. Ramphela, who at 35 is 13 years younger than Mrs. Mandela, founded a private clinic, then used it as a seedbed for a diverse crop of self-help organizations that now cover an area in which some 50,000 people live, sustaining day-care centers as well as literacy and health-education projects.

Mrs. Mandela, who has a background in medical social work, runs a rudimentary clinic and soup kitchen from the semidetached township house that she is forbidden to leave after 6:30 in the evenings or on weekends.

In her first week of comparative freedom, Dr. Ramphela said she found her clinic duties tied her to Lenyenye almost as tightly as a banning. She had time only to drive into the nearby town of Tzaneen for her first dinner out with Siphso Magele, a pharmacist from Port Elizabeth, since she married him last year.

Dr. Ramphela had her second son three months ago. Her first son, 5-year-old Hlumelo — a Xhosa name that means "the shoot from a dead tree" — will continue to bear the name Biko "because he was not an accident," she said.

By next year, she hopes, she will be able to put the Lenyenye clinic on a self-sustaining basis and move back to the eastern part of Cape Province, the region to which she moved 10 years ago in order to be near Mr. Biko after he was banned. Even sooner, she said she hoped to plunge into a round of political consultations in order to see what can be done to surface some "leadership of stature" that blacks have not had, she believes, since his death.

"That is why the Boers really scored," she said, using the Afrikaans word for farmer as an epithet. "There is nothing they've done over the past 20 years which was as effective in terms of retarding progress as killing him. I imagine they didn't deliberately go about to kill him, but now I think they're quite happy."

Although she was speaking of a crushing personal tragedy, there was no bitterness to her voice. In fact, she was laughing brightly, an unforced laugh that did not deny her suffering but somehow seemed to subsume it.

That same quality of laughter came in rich peals from Mrs. Mandela as she told of how her husband, on her last visit to him in April, took off his shoe and sock in order to show a toe from which a nail had to be removed on account of an ill-fitting shoe. Because they were facing each other through a glass partition, Mr. Mandela virtually had to upend himself in order to present the toe for her inspection.

"I saw the foot for the first time in 21 years," she said, with a laugh that seemed to condense a whole range of emotions into something like a fugue. "I'd never seen it since he went to jail."

Told that Dr. Ramphela planned to resume political activities, she nodded her approval. "Yes, yes," she said warmly. "That is her home. That's where she belongs."

The authorities have never suggested that Mrs. Mandela might be unbanned, but they have dropped broad hints that they would react positively if she asked to be moved to a larger township closer to Johannesburg; anywhere, it seems, so long as it was not her own home in the township of Soweto. If she has ever felt a pull of temptation, she has resisted it because she does not want to be an accomplice in her own restriction. "Why," she asked, "should I exile myself?"

AMNESTY International has appealed to the South African Government to lift banning orders on all members of the Media Workers' Association of South Africa (Mwasa) and not to re-ban Mr Momo Badela, a former journalist whose order expires on Monday.

At the time he was slapped with a three-year banning order in 1980, Mr Badela, who is from Port Elizabeth,

AMNESTY SLAMS BANNINGS

was employed as a journalist by Sunday Post, which was closed down the same year after a two-months' strike by Mwasa members.

At the time he was also chairman of the Eastern Province region of what was at the time the Writers' Association of South Africa (Wasa). The ban was imposed on

him immediately after he was released from detention under Section Six of the Terrorism Act.

LETTERS

Amnesty International wrote two letters, one to Foreign Minister Pk Botha and the other to Minister of Justice Kobie Coetzee.

The letter to Mr Botha says: "The General Assembly again demands that the racist regime of South Africa release all persons detained, imprisoned or charged under arbitrary laws for their opposition to apartheid and abrogate the bans on organisations and news media opposed to apartheid."

The other letter addressed to Mr Coetzee calls for the lifting of banning orders on Mwasa members.

BANNED

The banned journalists are Mr Zwicklaka Sibusu, former Mwasa president; Mr Phil Mthimkulu, national secretary; Mr Mathaba Tedu, chairman of the

Northern Transvaal branch who has now been in detention for seven months; Mr Marimuthu Subremoney, Natal vice-president; Mrs Judy Mayet and Mr Joe Tholoe, Transvaal regional secretary who is facing charges under the Internal Security Act. Adding his voice to the call for the lifting of

the banning orders, Mwasa's senior vice-president, Mr Don Matlata, whose own banning order was recently lifted after eight years, said Mwasa bannings and those of other people were a sign of accelerated repression against journalists and people who fought for the truth. He said all banned people, black or white, should have their orders unconditionally lifted.



Judy Zubeida Mayet relaxing with her daughter, Natasha and friend, Shenaaz.

Zuby has always been 'free' . . . 13.7.83

By SINNAH KUNENE

Judy Zubeida Mayet is a journalist, a politician, a mother and more — defiant of South African law. She has just had her five-year banning order lifted a few days ago, but firmly states that she has nothing to celebrate — she has been free all the time.

"The ban has not affected me in anyway. I have been doing my own thing, much as those who kept an eye on me were doing their own thing," she chuckles, adding that the only significant thing in the ban was "overcrowding in my home when members of the police force were on their routine

freedom because we are such a big family."

She counts all the police stations she's been to. She claims she was just kept there for a holiday — John Vorster, the Fort, Jabulani Klip-town and Protea — all these have been her "rest" places.

"I was merely whiling away time there, I must say," she giggles.

Another episode in the life of Judy Mayet was recorded when she was whisked away by the security police who interrupted a June 16 commemoration service in Lenasia three years ago. An emotion charged crowd shouted

freedom slogans as the cops drove away with Judy, who seemingly took matters lightly. Instead, she would wonder why people were so worried because "I believe God is the only man we should be afraid of."

As a result, her eight children, Ismael (24), Sam (23), Ebrahim (21), Adam (20), Razad (19), Amin (17), Zainab (15), and Natasha (13) were not intimidated by the continuous hard knocks at their home at odd hours.

Judy is presently working for a firm of attorneys and says she will soon start writing for various publications. She was among the first black women to break into journalism in 1957 when she joined the Golden City Post. She worked for a magazine and the black ecumenical newspaper, The Voice until she was banned in December 1978,

OAU BOOSTS HUMAN RIGHTS

[AN] *Despite the discord that has plagued the Organization of African Unity of late, one OAU project that may ultimately have a substantial impact is proceeding apace. The text of the organization's human rights treaty was approved by the OAU in 1981 and is currently being signed by various African governments. When half of the member states have ratified the treaty it will automatically go into force — perhaps within the next year.*

The following article, excerpted from Guild Notes, a publication of the National Lawyers Guild, looks at some of the basic issues under discussion in the new OAU treaty. The piece was written by Jonathan Quigley, who recently completed a one-year stint as visiting professor at Dar es Salaam University in Tanzania.

The African Charter of Human and People's Rights includes protection for political freedoms found in other international human rights instruments: freedom of conscience and expression, assembly and association, right to a fair trial, freedom from arbitrary arrest and torture, and right to property. In addition, the charter encompasses some economic and social rights: employment, health care and education.

Beyond these individual rights, the charter breaks new ground in international human rights law by including rights for peoples: the right to peace, to self-determination, to economic development, the right to dispose of natural resources, and freedom from colonial domination.

The coverage of the charter is thus quite full. But African lawyers are concerned about whether or not the rights can be enforced. One problem in this regard is that the charter qualifies the enumerated rights by including a section on a citizen's duties. Citizens of states party to the charter are said to owe a duty towards their families, a duty to pay taxes to

their governments, a duty to defend the state against invaders, a duty to respect other persons, a duty not to compromise state security, a duty to work, and a duty to protect African cultural values and African unity.

While the charter provides no mechanism for enforcing these duties, they will likely be used to limit the rights protected by the charter. For example, a citizen's purported exercise of freedom of expression may escape protection because it violates the duty to protect state security.

A further and more significant limitation on the charter's enforcement is that the commission it establishes to investigate complaints is to make a finding of a genuine violation only where an allegation reveals "a series of serious or massive violations" of protected rights.

The commission, to be called the African Commission on Human and Peoples' Rights, will thus not entertain complaints of isolated rights violations affecting one person only.

A similar limitation is found in the practice of the United Nations Human Rights Commission. The European and inter-American regional human rights systems, however, contain no such restriction.

This limitation is explained by the treaty's history. A prime motivating factor was a desire to curb widespread rights violations, such as those that occurred in Uganda under Idi Amin. The drafters were not thinking of a criminal defendant being beaten by police, unless the case reflected a widespread practice.

A further cause for concern over enforceability is that the treaty does not establish a human rights court. Like the European and inter-American human rights mechanisms, the African charter sets up a commission to investigate complaints. If the African commission determines that an allegation reveals a series of violations, it refers the case to the Assembly of Heads of State and Government of the OAU, which makes a final decision.

Both the European and inter-American systems provide a human rights court as the final decision-maker. Some African lawyers have suggested that the mechanism provided in the African treaty is in keeping with the traditional African preference for consensus and mediation as opposed to adjudication. The assembly of OAU leaders presumably will confer with a defendant to urge compliance. This, it is suggested, is more likely to secure compliance than a court decision.

Other lawyers fear, however, that this mechanism will lead to cover-ups. The heads of state and government are the very persons who carry out rights violations, say some critics, and they may well protect fellow leaders. The fears of these lawyers are increased by the fact that all proceedings under the charter are confidential unless and until the heads of state decide to publish the commission's report on a case.

The charter's enforcement mechanism is further weakened by a requirement that after the commission receives an allegation it must, following a preliminary appraisal, refer the case to the assembly of heads of state and government for a decision as to whether it should carry out a full investigation.

As a significant side-effect, the charter may have an impact on the domestic law of member states, many of which lack a bill of rights. The charter requires signatories to adopt legislation to protect the rights it enumerates.

Even so, some lawyers predict that many current practices which violate human rights will continue after the treaty enters into force. Preventive detention laws in many African states permit a government to incarcerate persons it considers dangerous. These laws are expected to be retained, despite the charter's prohibition against arbitrary imprisonment.

In addition, publications criticizing government policies are forbidden in many African states, and there is little prospect that this will change, though the charter guarantees freedom of expression.

In many African nations women's rights find little protection. Married women are frequently denied any property rights (by custom, enforced by law), or custody of their children. The charter does not lay down a rule against sex or race-based discrimination, though it does state that rights provided in the charter must be protected without regard to race or sex.

AFRICA

NEWS

AUG 22, 1983

Many lawyers fear that Africa's deteriorating economic and security situation will undermine efforts to implement human rights protection. The recession in the West plus the lower world prices for Africa's raw material

In the first round of the general election on Aug. 6 President Shagari won re-election himself by a comfortable margin. (See AN, Aug. 15.)