

"In hanging the three Africans, the Smith regime has been true to its basic nature."

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The recent execution of five Africans by the illegal Rhodesian government, despite the Queen's reprieve, has shattered the last illusion that the Rhodesians will negotiate with the British except on their own terms - white supremacy for the foreseeable future.

Since UDI (Rhodesia's unilateral declaration of independence) on November 11, 1965, both the British and the Rhodesians have played a waiting game, each believing that time was on its side. A series of negotiations and of visits back forth by semi-official consultants have had no practical results. Although non-recognition of Rhodesian independence was unanimous internationally, Britain has been unable to implement her legal control. P.M. Wilson asked for voluntary sanctions against Rhodesia, which were ineffective and then, pressed by other Commonwealth members, he asked for limited mandatory sanctions; these were endorsed by the U.N. Security Council in December, 1966. Rhodesia's success in holding out is demonstrated by her latest defiance of both the British government and world opinion.

The Legal Position

Although more than 30 Africans were under death sentences at the time of UDI, none were executed during the first two years. (Among the 30 were all five Africans who were executed in March, 1968, although the number of prisoners under death sentence has risen to more than a hundred in the interim. The men who were hung on March 6 and March 11 were: James David Ncedibe Dhlamini, Victor Mac Siferani Mlambo, Duly Shadreck, Francis Chimsoro Chirisa and Takauraye Jeremiah.) The pre-UDI constitution of 1961, which was in force when the men were condemned, gave them the right of appeal to the Judicial Committee of the Privy Council in London. It was this right which three of them exercised in the appeal to the Queen which resulted in a reprieve.

When, in August, 1967, the Rhodesian government announced that it would go ahead with the execution of three of the condemned Africans, the British government had warned that executions carried out without the warrant of the British-appointed Governor, Sir Humphrey Gibbs, would be "murder." The carrying out of a death sentence by an illegal government would make all those responsible - the "officer administering the government," the Cabinet, the prison officials, and the executioner - liable to capital punishment for a treasonable offense.

Because of Rhodesia's shaky legal position, the High Court of Rhodesia granted a stay of execution for the three Africans, while court tests proceeded. Meanwhile another political case was going through the courts, setting the precedent that would be used. This case involved two prisoners who challenged the legality of the Rhodesian government's powers of detention without trial under the Emergency Powers Act. The Rhodesian High Court's decision was, in brief, that although the Rhodesian government including the 1965 Constitution was illegal, it was the only effective administration in the country and therefore had the duty to govern. That included, when the case of the three Africans came up, the duty to execute. On March 27, the Judicial Committee of the Privy Council agreed to review the decision in the case involving the Emergency Powers Act. This should provide the final constitutional test of UDI.

Even after UDI, with the new 1965 Constitution, the Rhodesian government claimed Queen Elizabeth as Queen of Rhodesia. Actually, of course, Rhodesian defiance of the Queen began with UDI and not with the recent executions. The importance of this further defiance is that it has the sanction of the Rhodesian courts. The way now appears open internally for Rhodesia to take further steps - the possible declaration of a Republic, the enactment of a new Constitution, and whatever other internal changes it desires.

#### Security Legislation and Freedom Fighters

Although the details of all the cases of those Africans still under death sentence (35 have been reprieved by the Rhodesians, following the five executions) are not known, it is clear that most have been convicted under security legislation, and particularly under an amendment to the Law and Order (Maintenance) Act which provides the death penalty for the unlawful possession of arms.

Even before UDI, the Emergency Powers Act gave the police excessive powers to curb actual and potential opposition. The major African political organizations, the Zimbabwe African People's Union and the Zimbabwe African National Union, were outlawed. Since UDI, the Law and Order (Maintenance) Act and the Unlawful Organisations Act have prohibited African gatherings, political meetings, and demonstrations. The press is now heavily censored and publications may be banned. Restriction and detention are possible without specification of the offense or court trial.

Normal channels of opposition have been quickly silenced in Rhodesia; the ZANU and ZAPU leadership imprisoned and an unknown number of people estimated in the thousands removed from their homes to restricted areas or detention camps. Sporadic demonstrations have continued within the country and enough members of both ZAPU and ZANU have escaped to organize both groups in friendly neighboring countries. They have received some arms and training abroad, and especially since the summer of 1967 they have been filtering back across the border to form a resistance movement. These are the people that Africans call freedom fighters and the Rhodesian government calls terrorists; some of those that have been caught alive are the prisoners now under death sentence, the first of whom have been executed.

In contradiction to the apparent stability of the Rhodesian regime, as soon as the freedom fighters made their appearance Rhodesia sent to South Africa for help, and the presence of South African military units and equipment (including planes) in Rhodesia was verified in August, 1967. In anticipation of continuing guerrilla activity, South Africa has begun to give commando training to all youths when they reach the draft age of 18 and more than 10,000 will be trained this year.

#### Toward Apartheid

In addition to its police-state security legislation, Rhodesia has been moving steadily since UDI towards segregation on the South African pattern. Mr. Smith's current proposals are directed against the present African representation in the legislature: to reduce the number (15) of B roll or African seats; to restrict Senate membership to government-appointed Chiefs; and to abolish any possibility of cross-voting. The African (Urban Areas) Accommodation and Registration Act and the Draft Property Owners (Residential Protection) Bill follow

the Land Apportionment Act in furthering the permanent segregation of groups and the exclusion of all nonwhites from white areas. Local authorities have been authorized to provide separate facilities in public accommodations, transport, and the like; interracial sports and multiracialism in hospitals are on the way out.

### World Reaction

Following protests against the executions by the United Nations Commission on Human Rights and the Special Committee of 24 on the ending of Colonialism, 35 African governments requested a special meeting of the Security Council to examine the Rhodesian situation, which convened on March 19.

The situation the U.N. confronted was this: After more than a year of selective sanctions, the Rhodesian economy has adjusted without visible effect. The Smith administration remained intransigent in the face of world opinion and increased its attack on its African majority through security and segregationist legislation. Resistance by African freedom fighters was met by joint action by Rhodesian and South African police and military forces.

The courses of action open appeared to be:

1) Strengthening and extending the sanctions policy. Comprehensive (a complete embargo on trade and travel) rather than limited sanctions would make it easier to identify violators as well as hit the Rhodesian economy harder. The common boundary with South Africa and the Portuguese territories has made circumvention of sanctions possible, but there are also violations by nationals of countries that have subscribed to the sanctions policy. Extension of the port blockade of Beira to include Lourenço Marques would cut off some supplies, particularly oil. Placing enforcement in the hands of a special United Nations watchdog Commission rather than of Britain would strengthen the possibility of enforcement at both ends of the trade.

2) The call of the 36 African nations for the United Kingdom to enter into negotiation with the leaders of the Zimbabwe African political parties with a view to establishing a Government which meets the legitimate aspiration of the people of Zimbabwe opens a way out of the diplomatic impasse in which a de facto government is illegal and a legal government is impotent and neither represents the people of the country. The establishment of a de jure Zimbabwe center would give the world something to support as well as to oppose.

### HOW YOU CAN HELP

1. The United States should assume a greater responsibility for making international action effective;

- a) by supporting comprehensive sanctions at the United Nations and helping to implement U.N. decisions;
- b) by cutting its own remaining economic and political links with the Smith administration;

- c) by offering assistance to African countries hurt by sanctions and blockade action, and, if necessary in the event of comprehensive sanctions, to the United Kingdom as well.

Letters from you to Ambassador Arthur Goldberg, Secretary of State Dean Rusk, and to your own Congressmen will help to determine and strengthen U.S. policy.

2) Individuals can help the resistance movement in Rhodesia by aiding political prisoners and their families through contributions to the Africa Defense and Aid Fund. Most prisoners who appear in court (many are detained without trial) cannot afford legal fees, but when lawyers do defend them, they have a better chance. The average size of a prisoner's family is four, and when the breadwinner is removed, the necessities of life must be provided for them from outside. In addition, school fees must be paid if children are to continue their education, and it is also possible for many prisoners to prepare for the future through correspondence courses if funds are available. Make Checks payable to:

AFRICA DEFENSE AND AID FUND  
164 Madison Avenue, 2nd Floor  
New York, New York 10016