

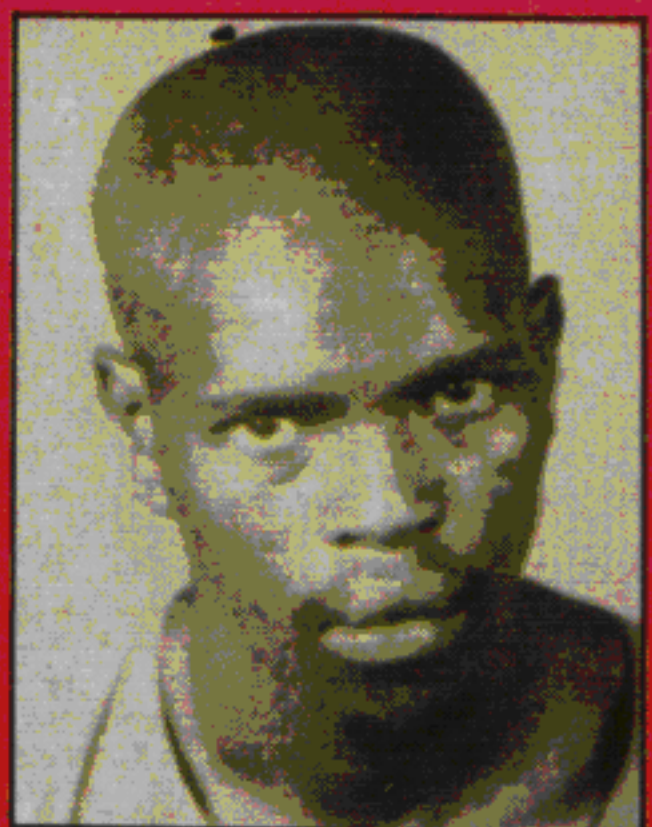
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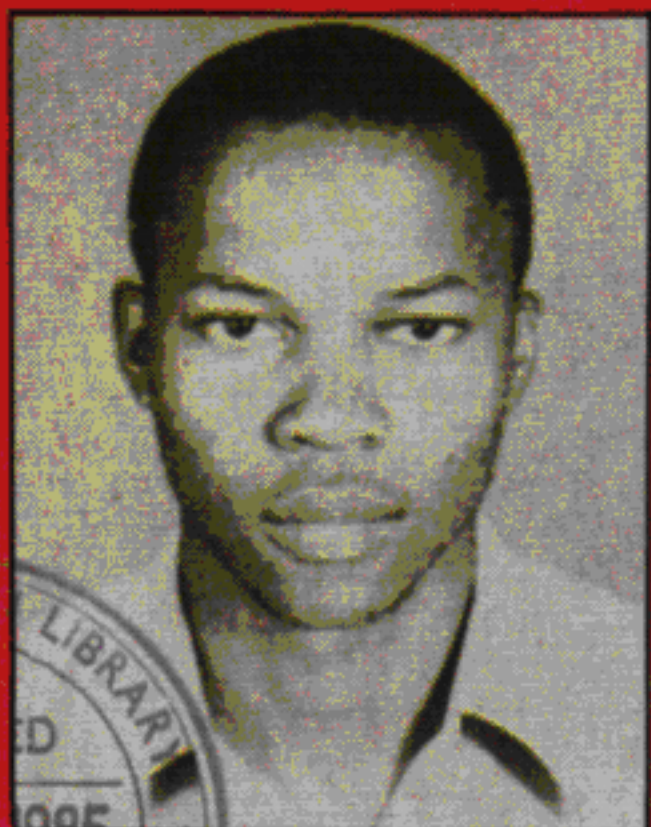
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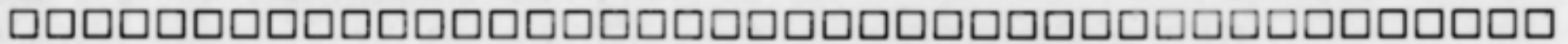
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*Cover pic: The six ANC freedom fighters  
now facing imminent execution by the apart-  
heid regime. The ANC has called for an ur-  
gent international campaign to save their  
lives.*

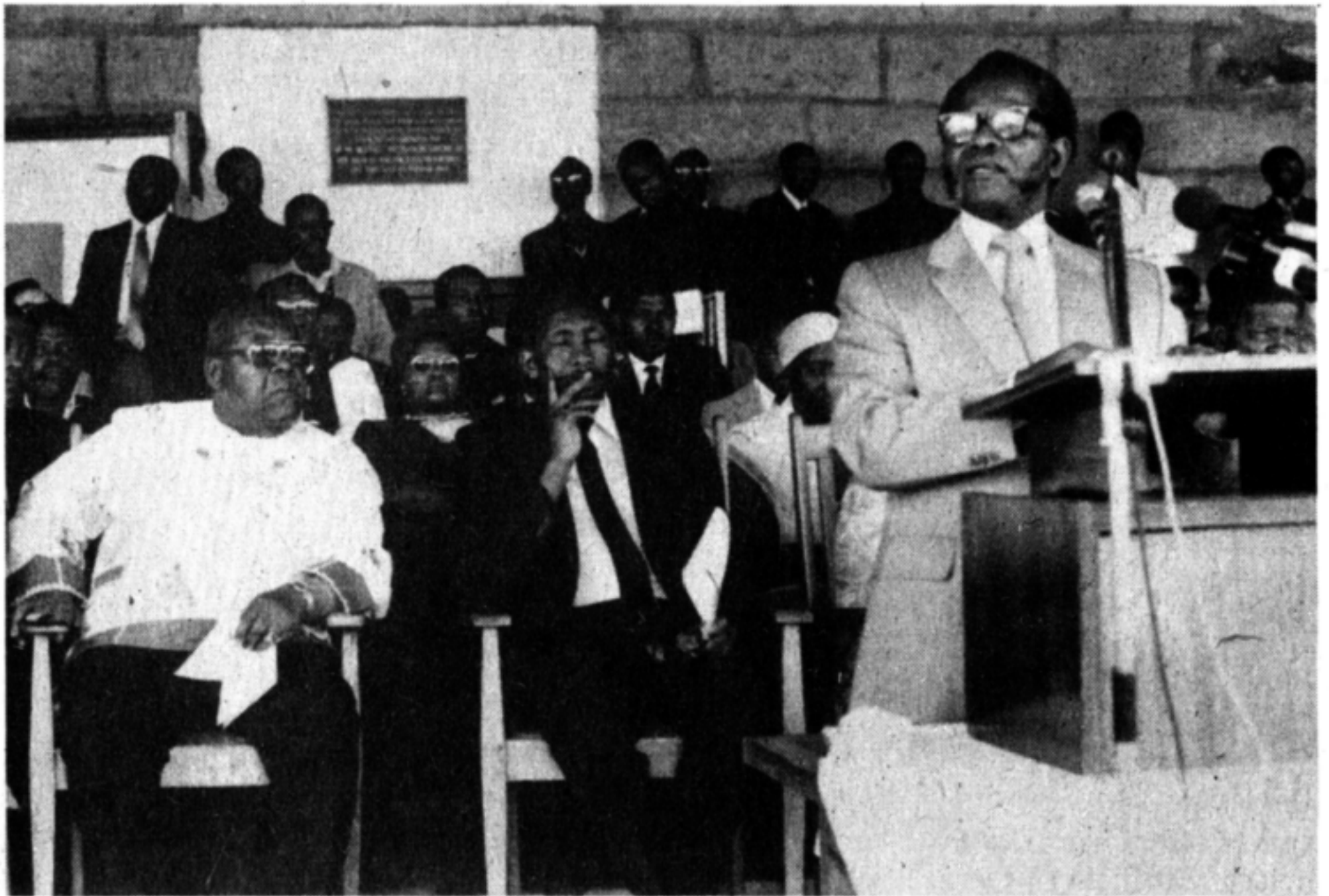


# EDITORIAL

# The force of people's power

The nature of the funeral of our fallen heroes in Maseru was a powerful reply to the terror tactics of the fascist state. One poster held aloft at the occasion read:

*The Blood of Martyrs is Water for the Tree of Freedom.* Indeed, the more than 10,000 people who gathered to honour those who had died, echoed this sentiment —



*ANC President O.R. Tambo addresses the mourners; behind him are King Moshoeshoe II and P.M. Leabua Jonathan*



revolutionary slogans and the avowed intent to continue the struggle resounded throughout the six hour ceremony.

The political impact of this occasion was crowned by the presence of Comrade O.R. Tambo at the funeral. At a time of mounting external aggression by the apartheid state and intensified attacks against our people, the ANC was once again, boldly reaffirming its mantle of leadership. While the ANC President's presence in

Lesotho must have incurred the intense displeasure of our enemy, it was a spur to morale and to continued resistance for the overwhelming majority of the South African people.

The apartheid regime is incapable of learning the lessons which should be drawn from the Maseru massacre. Reliant on imperialist support, they are continuing their aggressive activities throughout the sub-continent and further afield.

For the racists, a 'total strategy' for survival is dependent on the destruction of the ANC, on the crushing of our people's most fundamental aspirations. But each and every crime committed in the name of white supremacy serves to deepen our people's will to be free. The Maseru massacre is one example. As our President, comrade Oliver Tambo, said: "This coldly calculated act of terrorism will only serve to spur the ANC and the people of South Africa to redouble their efforts to remove once and for all the criminal Pretoria regime, the common enemy of the peoples of Africa."

The most powerful reply to the Maseru massacre came from the people's spear and shield — Umkhonto we Sizwe. The brilliant attack on the Koeburg nuclear power station, which took place on the same day as the funeral in Lesotho, was indeed a fitting salute to our fallen heroes.

The racists must be clear of the force of people's power. Let us remind them of Comrade Mandela's words:

**"Between the anvil of mass united action and the hammer of armed struggle we shall crush white minority rule".**



*ANC women stand by the fallen*

# APARTHEID TERRORISM-



# Victims of the Maseru Massacre



# SOUTH AFRICAN ESPIONAGE IN BRITAIN

London has been notorious for many years as a centre of South African intelligence activities aimed against the Southern African liberation movements and anti-apartheid activists. The catalogue of break-ins, robberies, infiltrations and other clandestine activities is too long to reproduce.

The British authorities have been aware of these activities. They have been widely publicised in the British press, protests have been made in Parliament, and alleged former BOSS operatives have boasted of their activities.

The pattern of break-ins had become so systematic by 1976 that the ANC mission was able to compile a massive dossier for presentation to the authorities. However, the response of successive governments, Conservative and Labour, was at best complete indifference. The stock response was that there was no evidence to connect such activities with South African agents. Even when the *New Statesman* in August 1980 published the confessions of a former BOSS agent and named the head of BOSS operations at South Africa House, the British Government responded to calls for

a full enquiry by stating that "no purpose would be served by an investigation".

## Links between intelligence services

This attitude by the British authorities should not be entirely surprising. It is one of the most poorly kept secrets in intelligence circles that the links between the British and South African security services are cherished by both sides.

None of the tensions which have characterized U.S. – South African intelligence cooperation, which has blown hot and cold in response to the postures of different U.S. Administrations towards Southern Africa, exist between London and Pretoria.

For decades, from the Boer Wars and even before, the South African security services were little more than an extension of Britain's intelligence apparatus. As the situation in Southern Africa has "hotted up", London has been quite happy to allow Pretoria to do much of the "dirty work" which it regards as necessary to protect British and other western interests in Southern Africa. Both see in SWAPO



and the ANC a common enemy which threatens the strategic interests of international imperialism.

### **The Caselton trial**

Yet on 17th December 1982 at the Central Criminal Court, in London, known the world over as the Old Bailey, an experienced South African intelligence operative, Peter Caselton aged 38, with a record of clandestine service for the apartheid regime in Mozambique and Zimbabwe, was sentenced to four years imprisonment after pleading guilty to a series of charges including conspiring to break-in to the offices of the ANC and SWAPO in London.

The trial not only resulted in the incarceration of Caselton and a fellow conspirator, a British burglar, but it led to the effective expulsion of a South African diplomat from London and the slight lifting of the lid which covers the nest of spies operating in Britain.

### **Williamson – co-conspirator**

Caselton's main co-conspirator was none other than Craig Williamson, who infiltrated the International University Exchange Fund during the late 1970's. Caselton, a trained pilot, had originally worked as a South African operative gathering intelligence in Mozambique following the victory of FRELIMO. The South Africans had funded an aviation company which served as a very useful front. His next task was to ferry counter-revolutionary forces in and out of Zimbabwe following independence.

In May 1981, he was moved to Britain. Here he was the joint Director with Williamson, who used the alias, Arthur Clayton, of *Africa Aviation Consultants* which was registered in the Isle of Man with offices and bank accounts in Surrey. An identical company was also set up in South Africa.

The objective was clear. The British company was to be a cover to secure contracts in independent African states, mention was made of Swaziland,

Mozambique and Malawi; South African pilots would then carry out the contracts which would in fact be the cover for sophisticated intelligence gathering. At one point specific reference was made to securing such contracts from the World Health Organisation where Williamson's wife was employed during his period at IUEF's headquarters in Geneva.

Tens of thousands of pounds had already been allocated to the project – some of it being laundered through Switzerland before being transferred to Britain.

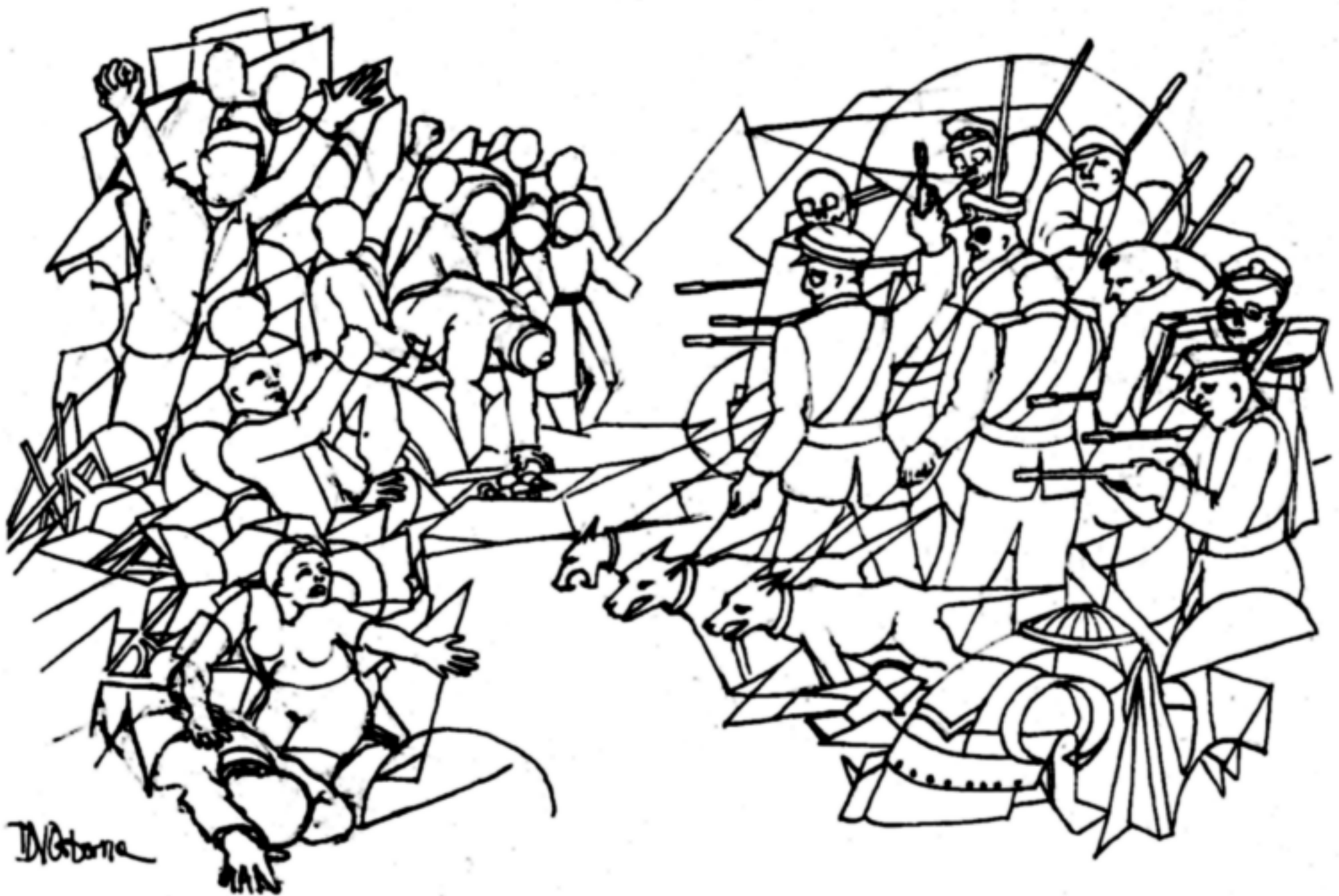
### **Series of break-ins**

Caselton however had another role to perform whilst in Britain. He was chosen to serve as the operator of a small time British burglar who was to carry out a series of break-ins in London. The burglar, Edward Aspinall, was in fact recruited for this work by a South African Embassy official, an unlisted diplomat in the Military Attache Section, Warrent Officer Klue.

Klue, who apparently lacks either the experience or the know-how normally associated with such operations, may well have been recommended Aspinall by former Angolan mercenary John Banks who had served "time" with Aspinall at Colingley prison. Aspinall, out of work and penniless, jumped at the chance of working for the South Africans and was soon acting under Caselton's control.

Klue, however, apparently continued to be involved in the operations. Aspinall was supplied with detailed intelligence of targets he was to burgle as well as a set of pick locks and a tear gas canister to use if he was disturbed. Having carried out the burglary, he supplied the stolen material to Caselton who then dispatched it to South Africa or took it there himself.

Break-ins were carried out at the ANC mission on 20th July; the SWAPO mission on 31st August and the PAC offices sometime between 31st July and 10th August. In addition, Aspinall was instructed to trail an ANC comrade to her home, find



out her address and car registration. Other operations were also planned: a house in Oxford, a flat in London, the home of a War Resister. The immediate target, planned for a few days after their arrest took place, was in Norway and almost certainly from the description, it was to be at the offices of the World Campaign against Military and Nuclear Collaboration with South Africa.

These plans came to nothing because on the evening of September 9th, Aspinall was arrested in the north west of England near Liverpool, where his mother lives. For some reason he chose to confess his part in the break-ins and subsequently led the police to Caselton who was immediately arrested.

Aspinall, who was released on bail, promptly fled the country, using false documents, to Sweden, with the aid of Klue. However, when he moved on to the Netherlands he ran into trouble with the police, apparently, and was deported to

Britain and was subsequently re-arrested.

Caselton was detained in custody. In a rather desperate act the South Africans flew over a young South African lawyer to try and arrange bail. They needed someone they could trust and their choice was Hennie Goosen who until March 1982 had been working fulltime for the security police, and was the son of Peter Goosen, Deputy Commissioner in the security police, and the officer directly implicated in the murder in detention of Steve Biko.

This move backfired and resultant publicity simply served to ensure that there was no cover up.

#### Outcome of the spy trial

During the next two months Scotland Yard's Anti-Terrorism Squad was able to assemble a powerful case which ensured that when the trial was heard at the Old Bailey, history was made, and for the first time a South African spy was imprisoned in Britain.

Meanwhile, at the initiative of the police, the Foreign Office formally requested the South African Ambassador to waive diplomatic protection so that Klue could be interviewed. He refused and Klue flew home. The Foreign Office subsequently announced that he would have been declared persona non grata if the South Africans had not sent him back. Thus again for the first time in history, a South African diplomat was effectively expelled for illegal and improper activities.

It is impossible to assess accurately all the factors which led to such a significant break in the cherished relations between the British and South African security services. However, there can be no doubt that the British authorities have every reason to be worried at South African intelligence activities. By choosing London as a base for its international operations and escalating the character of activities to include physical violence such as the bombing of the ANC office in March 1982, it is clear that at least certain elements among the British believe that the South Africans have overstepped the mark and that their activities now threaten Britain's international interests. There must also be concern, following the assassination of Ruth First, that other anti-apartheid activists who are British subjects (both South African and British born) may become targets.

#### **We should not lower our guard**

However, as significant as this trial was, it should not tempt us into lowering our guard. What was exposed was merely the tip of the iceberg. The plot was discovered by accident and there is no evidence that the British authorities are serious about protecting liberation movement personnel in Britain. Indeed, there is every reason to believe that the South Africans will continue to use London as their major international base to plan and execute operations against the ANC and our comrades-in-arms SWAPO of Namibia, as well as activities to

destabilise and overthrow Governments in Africa which stand by our peoples' struggle.

Britain, the USA, Federal Republic of Germany, France, Canada and the handful of other imperialist and reactionary countries which maintain diplomatic relations with the apartheid regime now know with certainty that the South African missions in their countries are being transformed into nests of spies to plot against our liberation struggle.

The same applies to those countries which maintain no-visa agreements with South Africa (Britain, FRG, Switzerland, Ireland, Greece and Lichtenstein) thus allowing South African agents to enter and leave their countries at will.

In these countries, especially, just as in the entire Southern African region, our people must maintain maximum vigilance. We owe it to the martyrs of Matola and Maseru, to Joe Gqabi, to Ruth First and to all our comrades who have fallen to Pretoria's assassins, to never relax. The lesson of the Old Bailey trial must be that the enemy will spare no effort to search out and destroy the ANC. We must be prepared to defend ourselves everywhere.



# DOCTORS AND THE ISSUE OF

The problem of the health worker who is implicated in torture by police or other state officials is one which is raised occasionally in medical literature. It has never been simple for the professional associations to respond to such situations. On the one hand, the statement of the ethical duties of a doctor as contained in the Hippocratic oath seems to leave absolutely no room for debate or manoeuvre: once it has been shown that the practitioner has participated in torture or has treated a detainee for the purpose of enabling torture to continue, it would seem to follow that there should be no difficulty in formulating and executing an appropriate disciplinary response. But, on the other hand, the frequency of these responses is far less than would be expected on the basis of the evidence which is available of the incidence of such misconduct.

## **The Biko Case**

In the case of South Africa, the evidence of torture is massive, highly detailed and documented. Probably the most powerful illustration of what is involved is the case of Steve Biko. He died on the 12 December 1977 after being detained, interrogated, and then examined by doctors who were called in when the police became concerned about his condition.

According to the Times (1) the official post mortem report which was submitted to the Minister of Police stated that death was caused by extensive brain damage resulting

in a reduction of circulation to other organs, intravascular coagulation, acute renal failure, and uraemia. In addition there were other injuries — other reports mention broken ribs and chest injuries, and photographs taken just before the funeral confirm that Biko's head was swollen and his forehead injured.

A critical account of the inquest which followed has been prepared by Sir David Napley, who had retired as President of the Law Society of England and Wales and had been invited to attend the proceedings by the Association of Law Societies of South Africa as an independent observer, (3) and the evidence is extensively set out and examined in great detail by Hilda Bernstein. (4)

It was revealed that after being detained under Section 6 of the Terrorism Act (1967), Biko had been stripped naked while under interrogation, manacled by the hands and shackled to an iron grille in the office which served as a cell, with only a mat to lie on.

After concern was felt about his condition, he was examined several times by doctors and then driven overnight in the back of a Landrover from Port Elizabeth (where he had been arrested and detained) to a hospital in Pretoria, a distance of some 750 miles. The journey was made in late winter, and despite being unconscious when he was put into the vehicle, he was left naked, no blankets or medical attention were provided, and the journey was made

# DETAINEES

## CULPABILITY (1)

virtually non-stop. Biko died several days after being admitted to Pretoria.

There was evidence that one reason that Biko was unable to speak – and hence was described as a reluctant detainee – was because of his injuries. The police case was essentially that these were caused when Biko became violent while being questioned. This was an attempt to counter the medical evidence that unconsciousness followed by mute, uncontrolled violence as consciousness returns were typical sequelae of the injuries which Biko had by then sustained.

The journey to Pretoria was said to have been made with the agreement of the doctors. It was undertaken, according to Colonel Goosen of the Port Elizabeth police in whose custody Biko was, to get a medical assessment as to whether or not he was shamming.

The inquest concluded that the injuries which caused the death could not be attributed to an act or omission involving a criminal offence by any person. The doctors are still practising in Port Elizabeth, as far as can be established, as district surgeons.

The implications of South African security legislation as they affect the conduct of the medical profession need to be explained. The question will then arise as to whether important aspects of it are enforceable without the collaboration of the health workers.

### The Legal Context

The Council of the World Medical Associa-





tion, in the Declaration of Tokyo in 1975, defined torture as "the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason." (5) The definition is somewhat broader than that contained in the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by the General Assembly of the United Nations in December 1975. (6)

The difference may be significant as far as South Africa is concerned because the Declaration of Tokyo — which is specifically directed at the medical profession — has the effect of categorising as torture suffering said to have been inflicted on persons to prepare them to be witnesses for the State in criminal trials. Generally, one envisages the detainee being pressured to disclose accurate information to his interrogators against his wishes. However,

related to this situation, information may be desired regardless of its accuracy.

Typically, the detainee may be a witness in criminal proceedings in which the objective is the conviction of another. The object here is to have confidence that the detainee as a witness will conform to a previously-determined statement. It may well be that this statement has itself been extracted through torture; indeed, it probably would have been if one assumes that the detainee-witness is reluctant to repeat it. Moreover, a witness may be untruthful but be deemed to be credible because he gives an impression of confidence, authority, and accuracy which satisfies the court particularly if his evidence is consistent with other testimony.

The importance of this follows from the acknowledged use of solitary confinement for holding political detainees. This may be a form of torture so damaging to a detainee's perceptions of reality, and his powers of recall may be so affected, that he may be convinced that what satis-

fies his captors — which becomes his principal concern — is in fact the truth.

The consequences of solitary confinement have been acknowledged by South African psychologists themselves, who have warned of the unreliability of evidence given under such conditions. There are frequent allegations in South Africa that detainees are called as witnesses after they have made several statements, being tortured until they say what is required regardless of the truth. Where the defence has sought to present evidence of torture, barriers have frequently been raised.

### The legal position of detainees

Turning to the law, one must consider the legal position of detainees in South Africa.

The most extreme situation was created by the Terrorism Act 1967 (Act 83/67), Section 6 — the section under which Biko was being held up to the time of his death. This has now been replaced by the Internal Security Act 1982 (Act 74/82) — the “ISA” — which brings under one head, with some changes, the bulk of the existing legislation. The changes are of importance but for the moment it is sufficient to say that they relate to the circumstances governing the release of a detainee without affecting the principle that detention is still without limitation as to time.

A police officer of appropriate rank may arrest and detain for questioning anyone whom he believes to be guilty of terrorism, subversion or sabotage as defined by the ISA or to be withholding from the police any information about such offences. Such a person may be held without limit as to time until the police are satisfied that he has satisfactorily replied to all questions, or that no useful purpose is served by his further detention, or until his release is ordered by the Minister of Justice, or until it is decided whether or not he is to be prosecuted.

No court may intervene in any way on

behalf of a detainee. Only the Minister himself or an official acting in the performance of his official duties — in practice, the police — may have access to the detainee or are entitled to information about him or obtained from him; however he must be visited by a magistrate and a district surgeon at least once a fortnight.

The Protection of Information Act makes it an offence (carrying a fine of up to R 10,000 or 10 years) to publish information about detentions, unless the defence proves that there was no intention to prejudice State security. Details about who has been detained, and when, are already frequently withheld by the police, who are tightening up further on their access to information of this nature. (7) In November 1981, 108 people were detained under Section 6 (8) of the old Act.

It is difficult to summarise the definitions contained in Section 54. Terrorism is a capital offence. The defendant must be proved to have committed, or to have been a party in virtually any imaginable way to the commission of any act of violence, no matter how trivial. It must be proved that the act was intended or was likely to result in (i) danger to the authority of the State; or (ii) bringing about or promoting constitutional, political, industrial, social or economic change; or (iii) inducing the government or any of the inhabitants of South Africa to act in any particular way or to adopt or abandon any policy; or (iv) to put in fear or demoralise any group. If the act had or was likely to have had any of these results the intention is presumed unless the defendant proves that he did not have it. Subversion is even more widely defined.

The range of conduct is so broad that it is clearly the intention to punish with up to 25 years anything which, in the words of the old Terrorism Act, “embarrasses the administration of the affairs of the State” but which now extends to include any industry, service or undertaking, all traffic, and law and order.

Striking or picketing over working conditions, a student sit-in, a protest march and probably refusing to answer questions put by the police would be subversion.

Sabotage, carrying up to 20 years' gaol, similarly defies summarising. One form of the offence simply provides for the punishment of "any person who with intent to endanger the safety, health or interests of the public at any place in the Republic ... commits any act".

Under the old law which the ISA replaces, speeches attacking Government policy, publishing a leaflet urging a strike, making 'inflammatory statements' to the secretary of a school board, seeking to discourage foreign investment, leading a campaign for the release of political prisoners, and organising protests and public meetings addressed by prominent figures, were all deemed to be terrorism. They would continue to be such offences under Section 54 of the ISA. It is impossible to state beforehand whether any activity falls within the Act, regardless of whether or not it is an offence by any other law; the effect is to give the prosecution an almost unfettered discretion to determine what constitutes an offence under this section.

In every form of detention, *habeas corpus* is excluded and no court can pronounce on the conditions under which a detainee is held. The ISA was also anticipated by the General Law Amendment Act 1966 (Act 62/66); this also allowed detention for interrogation in political cases for an initial period of 14 days which could be extended indefinitely. Detainees held for questioning are frequently transferred to detention as potential witnesses when a trial is envisaged and when interrogation is considered to be complete.

Detention very frequently covers many months in strict solitary confinement and it is generally accepted that statements made under such circumstances are of doubtful accuracy and reliability; detainees become highly suggestible and are even

likely to fully believe falsehoods of their own invention, being desperately anxious to satisfy those questioning them and so to end their isolation. The Council of the South African Psychological Association has warned that statements by political detainees who have been kept in solitary confinement must be viewed in the same light as those made under physical duress. (9).

In respect of any other offence, if a person is merely likely to give material evidence in criminal proceedings, the presiding judge or magistrate may order his arrest under Section 84 of the Criminal Procedure Act if he is informed under oath that that person is about to abscond.

Having been brought to court to be a witness, whether or not after having been detained, a person who refuses to be sworn or affirm or who thereafter refuses to answer questions without a 'just excuse' may be imprisoned for up to two or five years depending on the offence being tried.

The South African Supreme Court has held that it is not a 'just excuse' to say that the statement given to the police and which the witness is being asked to repeat in court was extracted under torture. It has also decided that fear of self-incrimination is not a 'just excuse' either. (10)

In this latter regard, a witness may be given an exemption from prosecution if he answers the questions put to him "frankly and honestly" when giving evidence. Allegations of torture at the hands of the police endanger this exemption from prosecution; and because he is in the custody of the police themselves, he may be inhibited from making them. The witness is not given a copy of the statement which he has made to the police, and has no right to be legally assisted when the court investigates his refusal to be sworn or to answer questions.

Sections 217 and 219A of the Criminal Procedure Act provide that a confession or admission is presumed until proved other-





wise to have been made freely and voluntarily without undue influence if this appears from the document containing it to be the case. A confession is by itself sufficient evidence for a conviction.

Where a witness has been sworn and thereafter departs from a previous statement made under oath he commits the offence commonly called 'statutory perjury;' it is not necessary to prove which — if any — of the two sworn statements is untrue, merely that they are in conflict. Section 319, Criminal Procedure Act 1955). There is a number of instances where persons have been so convicted after they had made statements on oath when questioned by the police while detained.

### Collaboration of Medical Workers

These are some of the background details against which the position of a doctor working in South Africa must be considered. The principal point which this discussion seeks to make is that frequently it is not possible to operate the legal structures set out above without the collaboration of medical workers. Clearly, legal professionals

are more involved, and bear a heavier burden of responsibility or guilt for establishing and operating the machine, even though they have traditionally been able to formulate rationalisations, generally based on urgency and emergency, for abandoning such principles as conviction and the imposition of detention without full and impartial trial, or as in the case of the ISA requiring the defendant to prove his innocence.

One would expect doctors to have less room to manoeuvre: the Hippocratic Oath leaves, one would think, little scope for wide interpretation at will.

Any account of the Biko case and the part played by doctors in it is shocking. It is not unreasonable to say that they are liable as aiders and abettors to be convicted of murder.

What must be explained is the position of the South African Medical and Dental Council (SAMDC) and the Medical Association of South Africa (MASA). The former decided at a secret meeting that the doctors would not face disciplinary action and MASA decided that no proof of improper or disgraceful conduct had been submitted.

What is most significant about these decisions is not that the medical associations involved absolved the doctors, but that they felt that there was not even the need to hold an enquiry at all. The SAMDC is the statutory body regulating the affairs of the medical profession and has an inbuilt majority of government-nominated members. Not all doctors have joined MASA, though MASA and the SAMDC are so closely related that their Presidents have been the same person.

#### The Mbonjeni Bentley Case

Some insight into what is involved is given by the case of Bingo Mbonjeni Bentley, convicted jointly with Archibald Monti Mzinyathi in October 1981 on charges under the Terrorism Act. During the course of the trial allegations were made by Bentley

that they had been assaulted by the police, and forced thereby to make incriminating statements. Evidence was heard from Dr. Norman Jacobson, the district surgeon who examined them. He said that when examining detainees he always gave duplicate reports of their complaints to the police, detailing their illnesses and injuries caused by alleged police assaults. When he was challenged by the defence about the ethics of this he

replied, "I have ethics. This is a routine matter and I have no control over it". (11)

His position apparently was that his only concern was to record his observations and communicate them to those officials responsible for the detention of the person he was examining regardless of confidentiality.

Clearly, Dr. Jacobson did not consider that he was being asked to treat the detainee as a patient; had he done, ethical considerations such as confidentiality must have arisen in his mind, presumably. But this immediately raises the question: under what circumstances would detainees be patients? What ought Biko to have done in order to become the patient of Doctors Lang and Tucker?

What happened in Bentley's case appears to have been repeated in the case of another detainee, Benjamin Greyling, who told the court at his trial that he reported having been assaulted by the police on the day of his arrest to a doctor, who immediately gave a copy of this report to his interrogators. (12)

The conduct of Doctors Lang and Tucker in the Biko case and the view taken thereof by the SAMDC and MASA becomes more clear. Biko was not seen by them as a patient and they were not responsible to him for his condition.

The defence counsel in the case of





Bentley expressly suggested that the doctor was acting unethically in disclosing his findings to the police, saying that he had done this in order to enable the police the more effectively to assault the detainees, and that the information was really a matter of confidence between the detainee and the doctor.

The doctor's reply expressly rejects this perspective of the relationship between himself and Bentley. From the published account of the proceedings it does not seem as though Bentley's counsel pursued this aspect further.

The SAMDC has not taken up this case either, despite Dr. Jacobson's admission during the trial that he had been seriously negligent when examining the defendants. Counsel pointed out to Dr. Jacobson that he had been the only doctor not to have seen a head injury in another case involving a detainee who also complained of torture. (13)

A particularly disturbing element has been introduced by the subsequent quashing of the conviction of Mzinyathi who was tried jointly with Bentley. This was on the grounds that the trial court had wrongly excluded evidence which if true proved conclusively that Mzinyathi could not have committed the acts said to constitute "terrorism". The only evidence of his guilt was a confession which he claimed from the outset had been made under torture. As defence counsel told the court, an extraordinary feature of the State's case was that it failed to call as witnesses the policemen alleged to have been involved in the ill-treatment of Mzinyathi. (14)

#### **Doctors and the Biko Case**

In the Biko case, if the doctors regarded themselves as independent professionals called in by the police in order to advise the police as to the best manner of dealing with a detainee who was causing problems, then their duties were apparently to the police alone.

However, they were asked to examine

a prominent person detained under the Terrorism Act (now the ISA), the presumptions of which draw inevitably a picture of a person who is likely to be desperate and with a very great interest in withholding information — much of it likely to be self-incriminating — of very grave offences.

Indeed, at the inquest both doctors and the police said that they had it in mind that Biko was shamming — apparently, by feigning unconsciousness. There was also a suggestion by Dr. Lang that he knew of a case where an extensor plantar reflex had been shammed — a suggestion withdrawn in a confused manner when pressed, leaving the impression, as Bernstein remarks, that he had been involved in some sort of experiment to determine whether or not a positive plantar reflex could be deliberately simulated.

Neither Lang nor Tucker, however were able to explain how Biko could have shammed red blood cells in the cerebral spinal fluid. It must be further pointed out that neither knew of the results of the lumbar puncture when they agreed that Biko could be taken to Pretoria.

It is clear from their evidence and that of Col. Goosen, the police officer responsible for Biko's death, that their first concern was to establish whether or not Biko was shamming; and both Doctors Lang and Tucker said that they did not know that they had the authority to override the decisions of a responsible police officer when agreeing that the interests of the patient were subordinated to the interests of security — which required in the opinion of the police removing him to Pretoria in order to investigate the matter.

In their evidence they seem to agree that what happened to Biko was thoroughly bad medicine but that they had no right to intervene under the circumstances as they saw them because they had been consulted, not by or on behalf of Biko, but the police.

MASA and the SAMDC clearly agree. No other explanation seems to be possible, other than a massive conspiracy. Neither



organisation saw anything improper in their conduct for the simple reason that these bodies consist of colleagues who had the same view of the relationship between Biko and the doctors – a view reflected by Dr. Hacobson when challenged directly on the ethical questions involved in the Bentley case.

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# KOEBERG —

## POWER HOUSE FOR WAR

At 3.23p.m. on Saturday, 18th December 1982, an explosion occurred on the site of the Koeberg nuclear power station in Cape Town. Escom later announced that it had taken place in a 'nuclear auxiliary' building. A second explosion shook the same building at 8.36 p.m. There were two further blasts, one at 11.24 p.m. and one at 2.53 a.m. on the Sunday morning. The police will not state where the last two explosions took place, but admitted that one was about twenty metres from the reactor itself. The head of the security police, Lieutenant-General Johann Coetzee, came in to supervise the investigations. The ANC claimed responsibility for the attack, and neither Escom nor the police have been able to deny that sabotage was the cause.

### **South African nuclear capability**

From the beginning, publicity and protest surrounded the plans for the Koeberg reactor. From the beginning, the ANC took an uncompromising stand on the whole question of South African nuclear capability, declaring that the regime

intended to use this capability for purposes of war.

A variety of other voices was later added to that of the ANC. In 1979 Leslie Harriman, Nigerian Ambassador to the United Nations protested, accusing the British Government of collaboration in South African nuclear projects. Later, a retired nuclear engineer named J.W. Vogt wrote an open letter to the South African Minister of Mines and Energy, questioning the secrecy that surrounded the plans of the Koeberg plant, since, he claimed, there were no secrets about nuclear power plants. When a representative of the conservationist organisation, Friends of the Earth, visited Koeberg in July 1981, he said that the 'tenuous political situation' in South Africa made the use of nuclear energy 'inherently risky.'

In spite of the apartheid regime's frequently reiterated claim that the Koeberg plant was nothing more than a power station for providing electricity, there is ample evidence to support the opinion of those who have been opposed to letting

nuclear power fall into the hands of the South African racist government.

Two years before, the South African Prime Minister had told a press conference for military correspondents that South Africa was able to build nuclear weapons, but intended to use this capability for peaceful purposes only. Various experts agreed with the Prime Minister in his estimate of nuclear technology in South Africa, but many had serious doubts about his promises of peace.

In 1981, Dr George Whitman, director of the Defence Issues Programme at the Hudson Institute, told a conference on South Africa and the World that South Africa was likely to acquire nuclear weapons, or the capacity to assemble them at short notice. In the same year, Dr Frank Barnaby of the Stockholm International Peace Research Institute said that South Africa should be regarded as a nuclear

power, which could manufacture nuclear weapons if it had not already done so.

#### Testing of a nuclear device

All evidence seems to point to South Africa's having produced and tested a nuclear device long ago. In 1979, the ANC published maps which showed that, as early as 1972, the Atomic Energy Board (a state-owned corporation) was concerned to identify areas of the country in which it would be possible to detonate nuclear devices.

In September 1979, an unannounced flash in the South Atlantic was picked up by both Soviet and US satellites. Though the South African regime denied having detonated any nuclear device, both Moscow and the US State Department confirmed that this flash had been an atomic explosion.

There is plenty of evidence to show that the apartheid regime is lying when it claims



that the nuclear energy it controls is intended for peaceful purposes only. South Africa is rich in coal, used as the fuel in conventional power plants. In fact, South Africa is at present exporting coal, and Escom is at present constructing no less than four giant, coal-using power stations, one of which is to be the biggest in the world. There is also some hydro-electricity in the country. It is unnecessary to provide a form of energy that the country already possesses in plenty.

#### **Increasingly war-like stand**

A sinister factor in this situation is the increasingly warlike stand the South African regime has taken, and the obvious preparations it has made for war. In the last few years, Armscor, another state corporation, has become the biggest arms manufacturer in the southern hemisphere, and has begun to export arms. In 1979, it announced the development of a new missile, which it claimed was the most sophisticated in the world at that time.

Magnus Malan, chief of the South African Defence Force, has alleged that South Africa is in danger of attack. Other regime spokesmen have talked about the 'total onslaught' they allege is being made on South Africa, and the 'total strategy' the regime needs to pursue in order to maintain itself. The apartheid regime and its allies have shown an increasing concern over control of the Cape sea route, and increased budgetary expenditure was called for in order to increase naval defences in Durban. South Africa has continuously and viciously attacked Angola over the past few years, as well as attacking over the borders in Mozambique and Lesotho, and announced its intention of 'destabilizing' neighbouring independent governments. The National State Security Council, responsible only to the Prime Minister, has grown in power and importance, and the regime is now preparing legislation to enable the State President to declare war without reference to Parliament,

and even to suspend Parliament altogether.

#### **Western military collaboration**

In 1979, the question was raised in the United Nations as to how South Africa had managed to acquire a nuclear capability. The ANC has brought forward a great deal of evidence to prove the collaboration of the Federal Republic of Germany, Israel, Britain and the USA. The steam generator for Koeberg was built in France, in 1981 the delivery of a 900 megawatt French reactor to South Africa was confirmed, and the fuel rods for Koeberg are at present being manufactured in France from uranium originally intended for a Swiss power station. It is beginning to seem that there is collaboration with Taiwan also. The US trained twenty more nuclear scientists from South Africa in 1981, and President Reagan has now approved collaboration in what he calls 'non-sensitive' nuclear matters.

Nevertheless, it seems that world protest was enough to prevent other countries from collaborating with South Africa too openly, and to prevent South Africa from getting all the enriched uranium it wanted through legal channels. This was possibly the reason for South Africa's decision to go it alone, and produce enriched fuel locally. \*If we are able to believe a statement made in mid-1981 by Ampie Roux, it seems that the resistance of our people within the country has served to discourage collaborators, for he claimed that as a result of the uprisings of 1976, a German firm had withdrawn from partnership with Ucor, and that South Africa had therefore 'lost its chance to produce enriched uranium on a world scale.'

#### **Safety Precautions**

The secrecy surrounding the construction of the Koeberg reactor made it impossible for the public to feel any kind of certainty about the safety precautions there, and the *Rand Daily Mail* reported that Ampie Roux was not available for comment about where waste products were to be stored. In



November 1982, Escom fell into line with the requirements of the Atomic Energy Corporation by opening a special treatment centre for Koeberg employees who fall victim to radiation. However, this unit is equipped to handle only five victims at a time. A statement made at the time by Dr B de Villiers, medical officer for Escom, further exemplifies a cynical disregard on the part of Escom for the safety of its employees. He said that the best advice he could give the public for treatment in the event of an overdose of radiation was that they should 'go and swim in the sea,' and wash themselves in the largest amount of water they could find. It is, in fact, also necessary to get rid of all clothing worn at the time to irradiation, to scrub the skin all over, to cut back hair and nails, and as medical officer he certainly knows this; but he omitted to give these extra, vitally important, pieces of advice.

In July 1982, more fears were expressed about the safety of the plant, when it was revealed that there had been a fire there. Later, the authorities admitted that there had been an explosion as well as a fire, in the 'nerve centre' of the whole complex. The ANC claimed responsibility for the explosion, in a broadcast from Ethiopia, but a spokesman from Escom denied that there had been any possibility of sabotage. There can be no doubt this time, and there have been no denials.

### **Our people's army fights on**

After the murderous attack on our people in Maseru, made by the army of the South

African regime on the 9th December 1982, eve of Human Rights Day, South African Defence Force spokesmen claimed that it had been a 'pre-emptive' strike to prevent the army of the ANC attacking South Africa over Christmas and the New Year. 41 of our people in Maseru died; but the units of Umkhonto we Sizwe were not prevented from attacking installations in South Africa. The Saturday of the Koeberg explosions was the very day on which the victims of the Maseru massacre were buried, and previously, on the 14th December, the ANC attacked the Escom station at Ennerdale in the Transvaal. On the 23rd December, there was an explosion in an electricity sub-station on the West Rand, which the security police have explained by saying that a transformer overheated, and set alight to two others next to it. Early in January, there was another explosion, at the Magistrates' Court in Johannesburg.

The heroic work of our people's army goes on, and the attack on Koeberg, above all, proves that we are capable of penetrating the security of what is clearly a military installation, and the most closely guarded of all South Africa's installations. As the ANC said in a statement made on the 19th December from Dar es Salaam, this should be a warning to foreign investors not to invest their money in South Africa, for no plant is safe from the units of MK.

*Note: State-owned corporations involved in the Koeberg installation are:*

*Escom – the Electricity Supply Commission*

*AEB – Atomic Energy Board*

*Ucor – Uranium Development Corporation*

*In 1981, Ucor and the AEB were joined under one administration.*



*Below SECHABA publishes extracts from a paper submitted by Comrade Herby Pillay, ANC delegate to the United Nations Seminar on Violation of Human Rights in the Palestinian and other Arab Territories Occupied by Israel, Geneva, December 1982.*

The United Nations seminar on Violation of Human Rights in the Palestinian and other Arab territories occupied by Israel met in the wake of Israel's invasion of Lebanon in June 1982. In Sidon, Tyre, in Southern Beirut, West Beirut and the Bekaa Valley, the world witnessed the death of more than 16,000 people and the rendering homeless of more than 600,000 people — mainly Palestinian and Arab Lebanese.

The bulk of these casualties were civilians, old and young, men and women. This brutality had political objectives, namely the unsettling of the Palestinian

people from their places of refuge, the elimination of the PLO — the objectives were genocidal.

The Israeli state, its accomplices and backers and those who had the political and economic influence to prevent this tragedy, must bear responsibility for this genocidal crime. Governments and peoples all over the world, including sections of the Israeli population, have expressed their abhorrence for these murderous acts.

Below we draw attention to the parallels between Israeli and South African ideology and oppressive practices against the Palestinians and black people of South Africa.

#### **Variants of Colonialism**

The similarities in terms of political, economic and civil policies of these two regimes against the settled populations of the two territories stem from their exercising a variant of colonialism involving direct

# ZIONISM AND APARTHEID

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## Wedded Ideologies

terrorisation, dispossession and oppression of the peoples.

The governments in question exercise state power with military force not only by discriminatory and oppressive practices against the Palestinian Arab and black majority respectively, but also extend their range of activity into neighbouring independent states. They hypocritically invoke a self arrogated aggressive doctrine of a right to pursuit and pre-emptive strike as a so-called security measure. In so doing they infringe not only the human rights of the people over whom they exercise domination, but they subvert any process of development in the regions they invade. They thereby prevent peaceful development which is a vital element in creating the material conditions for the realisation of individual opportunity to fulfil human potential, and exercise human rights as enunciated in the UN Declaration of Human Rights.

The African National Congress has, on numerous occasions and in various international fora, declared that the voice of the Palestinian people can only be represented by its authentic organisation and leadership, the Palestine Liberation Organisation, which represents the national aspirations of the Palestinian people. Our correct assessment is in accord with the growing world recognition of the PLO.

We draw analogies between Apartheid South Africa and the violation of the human rights of the Palestinian people to illustrate our perspective that the violation of human rights in the two countries stems from their subjugation of the fundamental human right — the right of nations to self determination.

### **Land Dispossession**

The following figures indicate racist South Africa's approach to solve their problem of an existing African majority in our country.

TOTAL	1980	1976
	Millions	
Africans	16,9	18,629,000
Whites	04,5	04,320,000
Coloureds	02,6	02,434,000
Indians	821,320	00,746,000

These figures are the preliminary results of the population census issued in July 1982 by the Department of Statistics, Pretoria.

All groups show an increase in population except for the majority African population. This apparent drop in numbers is a result of the shunting of Africans into the so-called 'independent' bantustans (Transkei 1976; Bophuthatswana 1977; Venda 1979). The 1980 African population total is still further reduced but not accounted for in the above total by the 1981 granting of 'independence' to Ciskei. By this administrative device the South African regime plans to implement its grand apartheid design of a non-African, white dominated South Africa.

Africans working in South Africa are to be either migrant workers or guest citizens. Thus the final solution of the 'elimination' of the African majority is to be achieved by dismissing the existence of the settled national populations and of herding people into non-viable pockets of our country.

By contrast, the overwhelming majority of the South African people has declared in the Freedom Charter — adopted in 1955 — that South Africa belongs to all who live in it, and the land surface of our country is defended as a unitary, geographical state.

This grand solution is the culmination of the onslaught on the traditional possession of the African people. Demonically and with military force,

dispossession was pursued by various resettlement acts. Implementation of this strategy was carried out against the people's resistance to removal by the terror of white military might.

The land dispossession of the Arab Palestinian people by the terror of 1948 and thereafter, by the 1967 occupation and settlement of Arab lands by Israel, echoes our people's experience. Fundamental to the right to self-determination is the issue of national sovereignty and sovereignty of the national state. Apartheid and Zionism attempt to resolve the issue of their subjugation and expropriation of the traditional territory of the African and Arab Palestinian peoples respectively, by the de facto dispossession and occupation of their lands. Falsely, they project the issue as one of preserving Zionist nationhood and white South African nationhood — two artificial nationhoods that are centred around appropriation of land and the self projection of immigrant populations as nations.

Culturally, they mark themselves on criteria of religious belief in one instance and skin pigmentation in the other. In both instances their aggressive land appropriation together with asserting political control over the territory are given the status of nationhood with the embellishment of a state language. The common feature of



*Shot down in Nablus on the West Bank this young Palestinian gives the PLO salute*

religious fervour, viz Judaism and Christianity, become as state ideological projections, Zionism and Christian Nationalism.

The cultural characteristics of the Jews and European Christians have been mobilised into chauvinistic, national qualities which are fostered and fuelled by slander and hatred of the dispossessed national victims. Our peoples' historic resistance to the plunder of their heritage is said to constitute a threat of annihilation of the oppressor group.

### **Ideologies of Oppressor and Oppressed**

It is interesting to look at some ideological statements made by the oppressors and oppressed groups in these two countries.

The Zionist Herzl declared: "We are a group, a historical group who clearly belong together and have a common enemy; this seems to me to be an adequate definition of a nation."

In contrast PLO leader, Dr Fayez Sayegh declared: "We are against Zionism as a form of racism. We are against Anti-Semitism. And we reject the equation of anti-Zionism with anti-Semitism. We revere the Jewish faith."

In September, 1982, PLO Chairman Yasser Arafat stated: "Begin and Sharon are not real Jews. The crimes they are committing are not compatible with either morality or Jewish traditions ... The PLO Chairman is open to any dialogue and nobody is fooled by the Israeli argument that we want to destroy Israel. It's poppycock, as our many proposals and initiatives show."

Moving to South Africa, the contrasts in ideology are also glaring. In 1963 the former racist Prime Minister, Hendrik Verwoerd, said: "If we are agreed that it is the desire of the people that the white man should be able to continue to protect himself by retaining white domination ... 27

we say that it can be achieved by separate development.”

In 1976, ANC President Oliver Tambo said at the United Nations: “We state now, as we stated then (inception of the ANC), that an incontrovertible part of the demands of our people is that there should be one united and democratic South Africa.”

At the end of his trial in 1962, ANC leader Nelson Mandela declared: “The ANC further believed that all people, irrespective of the national group to which they may belong, and irrespective of the colour of their skins, all people whose home is South Africa and who believe in the principles of democracy and equality of men, should be treated as Africans; that all South Africans are entitled to live a free life on the basis of fullest equality of the rights and opportunities in every field, of full democratic rights, with a direct say in the affairs of the government.”

The above quotations encapsulate the essence of Zionism and South African racism, as well as the humaneness of the dispossessed Arab people of Palestine and black people of South Africa, expressed through the leaders of their authentic organisations, the PLO and ANC respectively. These statements of principle are interpretable in accordance with the UN Declaration on the Elimination of all forms of Racial Discrimination (Nov 20th 1963) and show who propagates racial discrimination; who have policies based on prejudices of racial supremacy or racial hatred.

### **Programmes of Annexation**

Zionist Israel and Apartheid South Africa are now also engaged in an implicit programme of annexations that is a direct contravention of the United Nations Declaration (on the Granting of Independence to Colonial Countries and Peoples; December 15th, 1960). Israeli occupation of the Syrian Golan Heights and the city of Jerusalem and now part of the Lebanon, and South Africa's occupation

of Namibia and southern Angola, in addition to the other subversive activities in their respective regions, are points of concern and, in addition, constitute a violation of the human rights of the people who live under occupation.

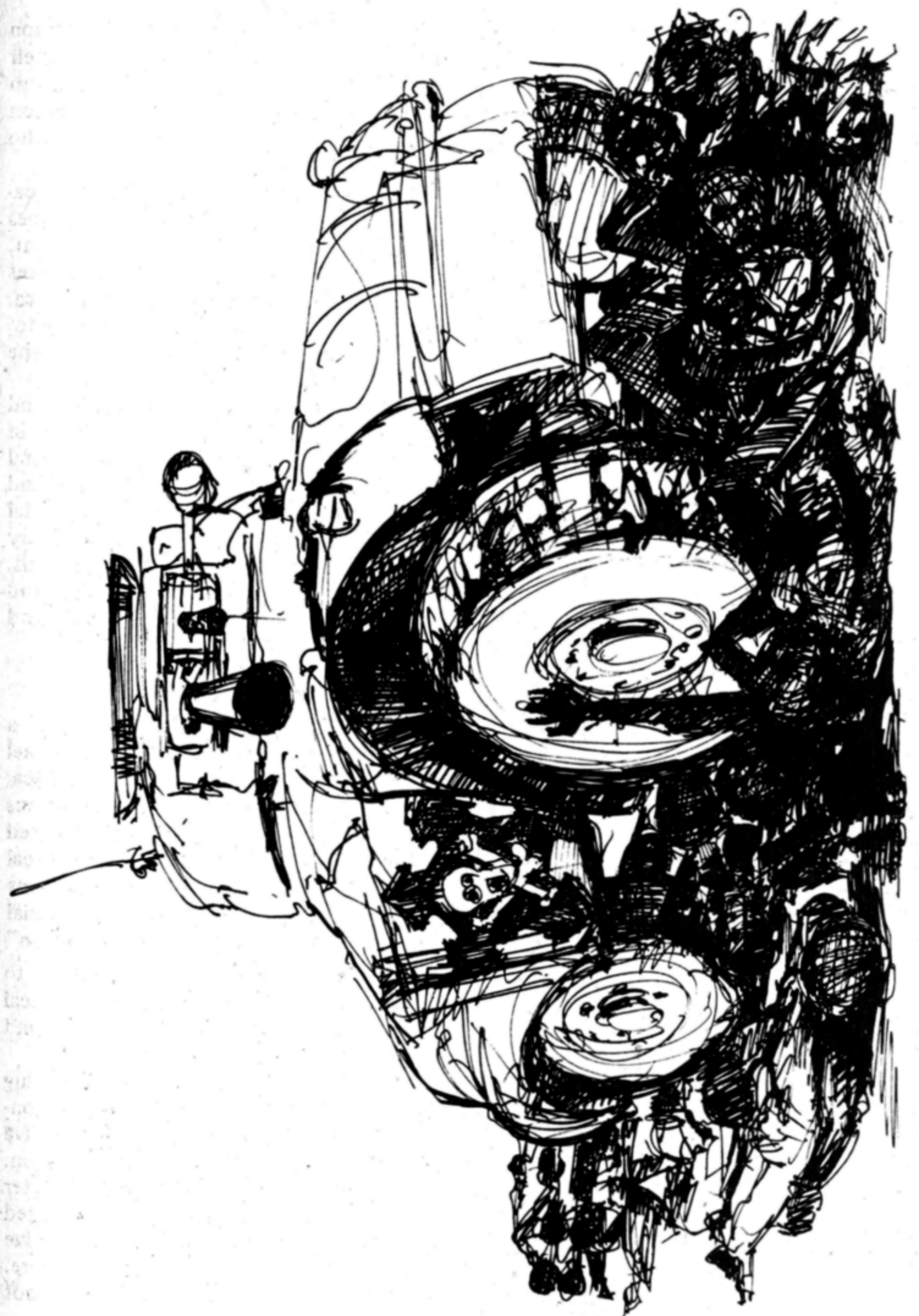
The Convention of the Non-Applicability of Statutory Limitation to War Crimes and Crimes Against Humanity is relevant, amongst other situations, to the massacres in Sabra and Shatila and in Southern Africa, to the massacres perpetrated in Soweto, Kassinga, Huambo, Matola etc. which the world condemned.

These violations of human rights and support for these regimes do not arise in abstract circumstances. Regional natural resources, viz. oil in the Middle East and minerals in Southern Africa, are material reserves which, coupled with the military strategic doctrine of certain Western nations, has led then into connivance and all-round collaboration with the Zionist Israeli and Apartheid South African states.

### **Parallels in oppression**

Nationality laws encourage settlers by a criterion of ancestry – Jewish for Israel and white immigration to South Africa, while at the same time the settled indigenous people are displaced. This artificially created population balance ensures numerical while at the same time the settled indigenous people. Political, economic and social advantages are accorded the “chosen” people who, in addition, are subject to propaganda with the social psychological effect of being gripped by fear and greed and suffused by national chauvinism.

Palestinian autonomy plans emanating from the Camp David Agreement are conceived of in terms of an administrative body under control of the oppressor nation. In the words of the Israeli Prime Minister Begin: “It is not just chance that the elected council will have the title ‘administrative council’. Administration and no more. We have offered autonomy and not sovereignty.”



The de facto position of the "independent Bantustans" by South Africa is similar. No direct representation in the controlling Parliament is the objective. The autonomy plan like the Bantustan plan invites the Palestinians in the occupied territories to accept continued political domination over their country. The parallel of South Africa's illegal occupation of Namibia against the wishes of the people and international law is also a case in point.

These are violations of Article 21 of the Universal Declaration of Human Rights which proclaims "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives."

The Zones of Security Regulation of 1949 gave the Israeli Minister of Defence power over the freedom of movement of the Arab Palestinian people, enforced through a system of passes and written authorizations. The analogy with South Africa's pass laws and "influx control" measures is evident. In addition, curfew regulations obtain in both countries. The application of emergency regulations in the occupied territories, regulations which were originally enforced under the British Mandate that ended in 1948, result in detention and imprisonment without trial, torture, house arrest as well as expulsions and exile. The South African security legislation permits similar violations against political opponents.

Trade union organisation is affected by arbitrary arrest and detention of trade unionists in both Israel and South Africa. Censorship, banning of news, arrest of journalists and restriction of academic freedom is the norm in the occupied Palestinian lands of the West Bank and Gaza. The same processes have been applied by South Africa against the press and other publications, and against students.

Discriminatory practices in the field of employment lead to Palestinian workers from occupied territories working in Israel under daily permits to be paid at lower

wage rates. The "border industry" phenomenon in South Africa achieves the same result with workers having no social security rights where they work.

### Conclusion

Apart from the direct oppressive and discriminatory practices emanating from the oppressor forces, the violation of the right to self determination leads to an unsettled existence for the dispossessed people. A major aspect of the life process, viz. culture, which is a component of human consciousness, is thwarted. Thus language, customs and traditions, which are some components expressed in the generic concept "culture", are given embodiment in the process of education, which our peoples are denied full and normal development. Conscience, including the right to worship, develops by humans expressing freely their beliefs. This process occurs in the context of home and family, in schools, in political and trade union organisations, in organisations of women, youth and other interest groupings in which people find structure for their common and specific interests.

National oppression has denied full development for the Palestinian people because they are forced into an unsettled and insecure existence, without political nationhood. The Israeli plan for annexation of the occupied Palestinian territories in the West Bank of the River Jordan and the Gaza Strip has the intent to put an end to the Palestinian people's national existence and their legitimate right to self determination and the formation of their own state. To achieve this they not only tyrannise the population in the occupied territories, but also prevent expression of the fundamental Human Rights enunciated in the UN Charter.

The Palestine Liberation Organisation, founded in 1964, put forward its programme on the creation of a Palestinian state, seeking to bring together in it the fellow-tribesmen now scattered in different countries and on different continents.





To effect the inalienable national rights of the Palestinians, above all the right to statehood in their own land, includes recognition of the authentic representative of the Palestinian people, the PLO. The Declaration on the Granting of Independence to Colonial Countries and Peoples (1960) clearly declares "the right to self determination, to freely determine their political status and freely pursue their economic, social and cultural development."

The 1979 Programme of Action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples reaffirms the inalienable right of the colonial peoples to

fight with all the means at their disposal against the colonial powers, which suppress their striving for freedom and independence. The African National Congress states this internationally accepted principle, not because we wish to stir bellicose activity but in order to refute the labelling of authentic national liberation movements as "terrorist organisations". There is no force that can liquidate the natural striving for freedom and independence. The struggle for national dignity and the right to self determination and against oppression are internationally accepted goals, and constitute the objectives of the national liberation movements.

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