

NO MERCY FROM VORSTER

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THE NINETY-DAY no-trial clause of the General Laws Amendment Act of 1963 was suspended on January 11th, 1965. Passed during the middle of the 1963 session of Parliament, it came into operation on May 1st, 1963. Eight days later the police made their first arrests under this clause. By November 7th, a total of 544 people had been held without trial. The total number detained while the clause was in operation has not yet been announced, but is believed to be over 1,000.

Vorster, Verwoerd's Nazi Minister of Justice announced the proposed suspension of the ninety-day clause on November 30th, 1964. A few days earlier, on November 26th, he had told the press that the internal security position was 'very good'. The 'mopping up' of subversive elements had taken a little longer than he had expected, but 'we have seen the results of this mopping up in the various court cases'. The situation was such that he could now recommend the suspension of the ninety-day clause, 'barring unforeseen developments'.

Yet although the situation was 'good', arrests under the ninety-day clause continued up to the very moment it was suspended. The intimidation and torture in solitary confinement continued, even though on the Minister's own admission the security position in the country did not warrant it. Clearly the police, backed by the Minister, were reluctant to abandon powers which had made them undisputed masters of the fate of the individual citizen for the previous nineteen months.

Vorster himself indicated that the threat of ninety-day detention still remained. 'We are not resting on our laurels', he said. 'The position will be watched very carefully and I will not hesitate to bring the clause back if the safety of the country demands it. Whether it will be introduced or not depends entirely on the subversive elements'.

The activities of 'external subversive organizations' were 'building up,' he added. 'The moment the clause is suspended subversive (how Vorster loves this word, which in his vocabulary means, simply, anti-Nazi) elements outside might try to take advantage of this and foolish people inside may also be tempted to take up where others left off.'

In fact the suspension of the clause merely means that the isolation of

political prisoners will cease and all detainees will once again have to be brought before a court within forty-eight hours of arrest. It does *not* mean that freedom from arbitrary arrest has been restored to the people. The ninety-day clause remains on the Statute Book and can be brought into operation again at a moment's notice, whenever Vorster decides to do so. And clearly he was unhappy at even temporarily relaxing the clause, which earlier in the year he had refused to abandon, saying he was not willing to 'chop off the hands of my police.'

One of the main factors behind this change of attitude was the powerful protest inside the country. Practically all non-white protests about anything are by now illegal and go unheard, but on this issue many among the whites were moved to raise their voices. It is true that the feeble official opposition Party, the United Party, actually voted for this clause in the whites-only parliament, but the injustice of detention without charge or trial, and still more the repeated reports of physical and mental torture and other police brutalities against defenceless 'ninety-day' detainees, did arouse important sections among the white minority into outspoken opposition. Mr. Hamilton Russell, who had resigned from the United Party and from Parliament on this issue, and former Chief Justice Centlivres, headed the 'Ninety-Day Protest Committee' which campaigned up and down the country against this law. Leaders of Christian, Moslem and Jewish religious communities condemned it; Liberal and Progressive Party spokesmen opposed it; and the opposition newspapers, almost without exception consistently editorialized against it. In Johannesburg alone the Black Sash women's organization held fourteen successive weekly vigils for the repeal of the ninety-day clause. Even though many whites, probably a majority, were prepared to acquiesce in detention without trial and even the use of lawless torture as a weapon to preserve white supremacy, more and more of them showed signs not only of a troubled conscience but even of a willingness to stand up and be counted against these outrages.

Backing them was the whole range of world opinion. Even many in the 'West' who had hitherto remained silent about the evils of apartheid rule were outraged when the details of the torture of ninety-day detainees were made public. Mrs. Helen Suzman, the lone Progressive Party M.P., who returned from a trip overseas just about the time Vorster made his announcement, told the press 'the ninety-day clause had done more to damage South Africa's reputation overseas than any other single event.' (*Rand Daily Mail*, 1st December, 1964.) Though they claim that overseas protests end up in the waste paper basket, the Nationalist Party leaders are in fact very sensitive to

overseas opinion, as they admit when they spend vast sums of public money on foreign propaganda, and declare that 'more attention should be paid' to bodies like Christian Action and the Anti-Apartheid Movement, which are 'damaging South Africa's "image" '

No doubt the Verwoerd regime hopes that by suspending the ninety-day clause they will be able to counter the effect of the unfavourable publicity it occasioned throughout the world, and to claim that they have restored the rule of law and *habeas corpus*. Nevertheless, the clause remains on the statute book, like all the other fascist legislation introduced by Vorster and his predecessors, which is still in full operation. And the 'detention without trial' clause of the 1963 Criminal Law Amendment Act is still available and can be reintroduced any time a fresh initiative by the resistance movement (or for that matter, another provocation staged by the special branch of the police) can be made the excuse for it. Vorster claims that the reason for suspending the no-trial clause is that the police have succeeded in breaking the back of the resistance movement. 'Some people have learnt their lesson the hard way;' and 'state security' is no longer threatened to the same extent. But the threat that 'if necessary' he would reintroduce the fascist clause at a moment's notice shows that he knows perfectly well the opposition to apartheid rule has not been and never can be eliminated.

So long as there is oppression, so long will there be resistance to it. The liberation movement has its roots deep among the people; roots which neither setbacks nor fascist terror can or will destroy. Certainly there have been heavy blows over the past eighteen months. Phenomena like the Poqo outbursts may come and go; an organization like the 'African Resistance Movement' based on little but desperation and illusions may not be able to survive. Even the senior movements of the people, like the African National Congress and the Communist Party have suffered heavy setbacks, many brilliant and courageous patriots and democrats have been murdered, or sentenced to long jail sentences under barbarous conditions, men and women whom South Africa can ill afford to lose. But these are not ephemeral movements; they existed before Verwoerd's 'National Party', and they will survive it too. The setbacks can only increase their determination to overthrow the white supremacy regime. The lessons 'learnt the hard way' will be learnt—but not the way Vorster meant it. The lesson is not to abandon the fight, but to fight more effectively. New and better methods of struggle and organization will be studied. The fight will continue unremittingly until final victory has been won.

GRIM AND RELENTLESS

The people of South Africa, and the liberatory and political organizations which represent them, can take pride in their achievements over the last few years. These have been difficult, even painful years, for all who have taken any part in South African political life. A grim and relentless struggle has been waged between the oppressors and the oppressed, with no quarter asked or given. Yet, despite all the restrictive laws passed by the Nationalist Government, despite all the apparatus of repression with which they have armed themselves, despite the mind-breaking and killing which they have conducted in lonely prison cells against unarmed and defenceless men and women, all that the Nationalists have achieved has been to create a deeper awareness among the masses of the issues at stake, a political consciousness on a scale we have never known before.

Politics is no longer the preserve of a handful of politicians mouthing phrases at public meetings. Politics, it is now realised by the masses, is a matter of bread and butter, which enters into the life of every man, woman and child. Politics determines your way of life, whether you are free or slave; whether your child has education and opportunities to progress or is doomed to perpetual manual labour, on starvation wages; whether you can live together with your wife and children or are herded together with other husbands and fathers into gigantic, soulless 'bachelor' barracks; whether you eat or starve, as thousands of Africans are starving at this very moment in many of the rural areas while the South African economy is allegedly experiencing the greatest 'boom' in its history. It is politics which makes the white man boss and gives him every privilege and advantage while the mass of the people see their living standards constantly declining, the gap between the haves and the have-nots ever widening. It is politics which has turned the people towards the path of struggle and made them realise that only through their own efforts will the path to the future depicted in the Freedom Charter adopted at Kliptown in 1955 be opened up.

The great achievement of the Nationalist Government is that it has politicised the people. Their apartheid laws on the one hand and their punitive laws on the other have forced the entire Non-white population, together with ever increasing numbers of sympathetic Whites, into the arena of struggle. The decade of non-violent struggle which followed the Nationalists' accession to power culminated in the 1960 State of Emergency in which 2,000 of the top leaders of the people of all races were detained without trial and 20,000 others were arrested and sent to work camps in terms of the emergency regulations. Not all the brutality and repression of the previous twelve years—the

passing of laws like the Criminal Laws Amendment Act and the Public Safety Act of 1953, the bannings and jailings and exiling of political opponents, the treason trial, etc.—succeeded in stamping out the spirit of revolt amongst the people. On the contrary it blazed up higher than ever, and the years since the 1960 State of Emergency ended have seen the most sustained and intense struggle between the Government and the people that this country has ever known.

The general emergency was barely over when another emergency had to be declared in the Transkei, where the peasants' revolt succeeded for a short while in overthrowing the apparatus of government in Pondoland and substituting a form of people's government. The Government managed to crush this revolt only by full-scale deployment of the police and the army, and resort to the most Nazi-like measures such as the wholesale removal of populations, burning of huts, and the beating and terrorising of the population under the proclamations 400 and 413 issued in December 1960, which made meetings illegal, turned 'subversive' talk into a crime and enabled the police to detain anyone indefinitely without trial. The fact that proclamations 400 and 413 are still in force is in itself testimony that, though the 1960 revolt was put down, the danger of further rebellion remains as great as ever. In fact, resistance to government measures has never ceased in the African reserves, least of all in the Transkei, where in 1963 no fewer than 592 people were detained under the emergency proclamations. Figures for 1964 are not yet available, but detentions continued, indicating that resistance continued. And if one sought confirmation of the feelings of the people of the Transkei, one need only look at the results of the first Transkei elections in November 1963, when a majority of the elected seats were won by opponents of apartheid, despite all the Government could do by way of banning and even jailing the more outspoken of the participants. That this result was no flash in the pan was proved by the first by-election held in November 1964, when the Democratic Party candidate standing for multi-racialism won a clear majority over the combined totals of the Matanzima nominee supporting apartheid and an independent. The leader of the Transkei opposition, Paramount Chief Victor Poto, commented that the election result was a 'clear vote of confidence' in the Democratic Party's policy of multi-racial democracy and showed that the people of the Transkei totally rejected separate development. (*Star*, November 28th, 1964.)

If resistance has continued without pause in the reserves, the urban areas have by no means lagged behind. Although both the A.N.C. and the P.A.C. had been banned, the people's organizations began to rally their forces immediately the 1960 emergency was over, and

in December 1960, at the African leaders' conference in Johannesburg, decided to go ahead with preparations for a campaign against the inauguration of the Nationalist Republic on May 31st, 1961. The campaign, launched at the great Maritzburg conference in March 1961, took the form of a call for a new national convention representative of all races, to draw up a new constitution for South Africa based on equal rights for all, failing which mass demonstrations would be staged on the eve of the declaration of the Republic. It was Nelson Mandela who made the leading speech at the Maritzburg conference, and won his way into the undisputed leadership of the African resistance by his conduct of the three-day general strike at the end of May and his decision thereafter, announced on June 26th, to lead the movement of resistance from underground.

Some have dubbed the 1961 strike a 'failure'. Certainly it failed to bring about a national convention or to stop the inauguration of Verwoerd's republic. But it was nevertheless successful in mobilising the support of the overwhelming majority of the non-white peoples, and the demand for a national convention and the preparations for the strike completely overshadowed the Nationalist celebrations of their apartheid republic. It was news of the strike and not of the Republic which hit the newspaper headlines on May 29th, 30th and 31st. And the demand of the Maritzburg conference for a new national convention was echoed by surprisingly large segments of White opinion. Tens of thousands of people of all races took part in what was in effect the greatest national political strike ever witnessed in South Africa. Once again the Government could only cope with the situation by a programme of mass repression. Police and troops were mobilized. A twelve-day no bail law was rushed through Parliament. The Maritzburg conference committee was arrested on a charge under the Suppression of Communism Act. All meetings were banned from May 19th to June 26th. In preliminary sweeps in the townships, 10,000 so-called 'tsotsis and vagrants' were arrested and many of them endorsed out of town. Leaders of the people's organizations who could be found were arrested and detained under the twelve-day no-bail law.

The May 1961 strike was no failure in its effect on the people. Far from dampening their determination to struggle, it inspired them to intensify their efforts and to work out new tactics to ensure that the struggle should be pushed to greater heights in the future. As all forms of legal struggle became more and more difficult and costly to conduct, the people turned their minds to retaliate against the ceaseless violence of the authorities. It was the post-strike period of 1961 which saw the abandonment of the period of exclusively non-violent struggle by the people in South Africa.

THE SABOTAGE CAMPAIGN

Umkhonto we Sizwe announced its existence on December 16th, 1961, with a series of explosions and a proclamation that 'The people's patience is not endless. The time comes in the life of any nation when there remain only two choices—submit or fight. That time has now come in South Africa'. Those who quarrel with the course that has been followed by the people's organizations since 1961 should remember, that the decision to resort to violence was not one imposed on the people by their leaders, but one imposed on the leadership by the people, driven beyond the bounds of patience by the intolerable tyranny and provocation of the Government and its mass of repressive laws. Nelson Mandela told the court in the Rivonia trial that he and his colleagues had planned sabotage 'not because of a spirit of recklessness nor because I have any love of violence. I planned it as a calm and sober assessment of the political situation.' Perhaps the same could not be said of the Poqo movement, still less of Leballo's provocative announcement at Maseru of a plan to kill whites indiscriminately. Yet, whatever one may think of Poqo and its leaders, it did show that even among politically unsophisticated and inarticulate Africans there was a widespread understanding and acceptance of the 'simple truth that: 'there remain only two choices—submit or fight'. However crudely, they showed in action that they were not prepared to submit, that they were willing to fight. Nor was the resort to violence limited to Umkhonto we Sizwe and Poqo. Other groups took part in organized sabotage: the 'National Liberation Committee' the 'African Resistance Movement'—and several other groups besides, some acting entirely on their own, all determined to register, in what they believed to be the only way left to them, their determination to bring about a change in South Africa, to help smash apartheid and build a new society based on one man one vote.

The full extent of the sabotage campaign in South Africa will probably never be known. In the Rivonia trial alone nearly 200 acts of sabotage were cited, of most of which the public had never been informed until then, because it was official policy to play down sabotage, and the press only reported those cases which could not be concealed. Nor will we ever know precisely how many people were involved in sabotage, though the number certainly runs into thousands. South Africa was plunged into a new form of warfare, in which the respective armies were deployed in the dark, and both sides could only guess at the resources of the other. But some idea can be obtained from figures of arrests and trials during the last two years. According to the Minister of Justice, a total of 3,355 South Africans were detained under various

security laws in 1963. And according to calculations by the newspaper *Forward*, there were in the period between March 1963 and August 1964 a total of 111 political trials in which 1,315 persons were charged. The full extent of the people's efforts may perhaps be gauged by the price they have had to pay for them. Of the 1,315 persons charged, forty-four were sentenced to death, twelve to life imprisonment, 894 to 5,713 years' imprisonment and one to six lashes. Only 340 of the accused were acquitted, while the results in the remaining cases were not known.

These were the cases which came before the courts. But the struggle was also waged in isolated prison cells up and down the country where the 1,000 political detainees under the ninety-day no-trial law were subjected to interrogation, third degree and outright torture by Vorster's police thugs. To the roll of martyrs of the people's movement must be added the glorious names of Looksmart Ngudle, James Tyityi and Suliman (Babla) Salojee, who died rather than betray their comrades; not to mention the numbers of others who suffered grievous injury of mind and body at the hands of the torturers. The names of traitors like Beyleveld, Leftwich, Mtolo and Mtembu, who bought their own freedom by giving evidence against their former comrades, today stink in the nostrils of all decent-minded people; but their infamy should not be allowed to obscure the heroism of the vast majority of detainees, who endured all the pain and agony of detention without forsaking their principles or betraying their colleagues.

We shall never forget the heroism of Mini, Khayingo and Mkaba, true freedom fighters who lost their lives in the struggle against fascism in South Africa. When Mini, while awaiting execution in the condemned cell after his appeal had been dismissed, was offered his life in exchange for giving evidence against his comrades in another sabotage trial, he refused indignantly. The police dogs sneered: 'And I suppose you will be shouting "Amandla" when you go off to be hanged?' And Mini replied gravely: 'Yes, I will'. It is reported from jail that he led the singing of freedom songs in the condemned cells until the day he died. Of such stuff are the people's heroes made.

In addition to those who have given their lives in the struggle, there must be today at least 2,000 political prisoners on Robben Island and in other prisons in South Africa. Some of them are serving life sentences, like Mandela, Sisulu, Mbeki, Kathrada, Goldberg and the other Rivonia accused. Even those who are serving shorter sentences may be detained in prison after the expiry of their sentences, like P.A.C. leader Sobukwe. It may be that all political prisoners will remain in jail until the Nationalist government is overthrown. Certainly, it is

the deliberate policy of the Verwoerd Government to break political prisoners both mentally and physically, so that if and when they finally get out they will be of as little value to humanity and their movement as the vicious vindictiveness of their jailors can ensure. Political prisoners are placed in the lowest category, 'D', entitled to the least privileges, the fewest letters and visits from their dear ones. Warders behave towards them with the utmost hostility and cruelty. Many are kept in solitary confinement every bit as strict as under ninety days. None of them, Vorster has promised, will get remission for good conduct.

Some critics have murmured that the price which has been paid by the movement for the achievements of the last few years has been too high, that the sabotage campaign was a ghastly mistake, that the policy of violence must be abandoned. It is true, a high price has been paid. The movement grieves over the deaths of its loved ones, and can ill afford the loss of leaders of the calibre of Mandela and Sisulu. It is true that mistakes have been made. But these mistakes were not that our leaders decided to fight back or that they chose the method of sabotage at that phase. They were mistakes of insufficient vigilance and inadequate organization. These serious mistakes and security lapses have resulted in grievous losses being inflicted on the people's cause. But while regretting the faults and weaknesses of the past, and vowing to correct them, let us not diminish the value of the contribution which has been made by those who have suffered, and indeed by the movement as a whole. We repeat, the road of violence was not chosen by the people's organizations, but forced upon them by the intransigence of the Government. Is the alternative of submission preferable? Must the non-whites then accept apartheid and a second-class status? Must we be satisfied to have our leaders banned, banished and deprived of citizenship rights if they oppose the Government? Must we accept poverty wages and unemployment, endorsements out of town, the destruction of our home life, the blasting of the careers of our children? The opponents of apartheid have neglected, and will neglect, no opportunity to carry on whatever legal forms of struggle for political rights and decent living standards there may be, wherever possible. But let us not forget how limited these have become. Though the South African Congress of Trade Unions is not actually banned, every single official has been banned so that it is no longer able to function and it is not even possible to find staff to man the empty offices. Teenage children may not even stage a protest against ninety-day detention without interference from the police, who broke up their demonstration in Fordsburg on November 18th, confiscated their placards and

took the names and addresses of the participants. The people's organizations, the Communist Party, the A.N.C. and the P.A.C., the Congress of Democrats have been banned. The people's press has been banned, and the few independent journals of opinion which remain are under daily and growing attack.

Vorster, in a speech on December 5 denied that the police were the tools of the Government to suppress free speech and political opinion. 'We as policemen are only opposed to subversion—opposition is one thing, but subversion is another. We as policemen are not interested and not concerned about the political views of the people in South Africa'. We know, and he knows too, that he lies. When he took office he said that 'rights were getting out of hand' and he has systematically destroyed all rights ever since. At this very moment his Government is planning legislation to prevent Opposition parties from carrying on any sort of political activity among Non-Whites, to whom only Verwoerd Nationalists are to be allowed access. It is this Government which has clamped on South Africa the tightest censorship system ever known outside Nazi Germany, and proposes to introduce state control of the press in the near future. It is Vorster who proposes to debar listed teachers and advocates from their professions for no other reason than that they have opinions he does not like (or had in the dim and distant past). It is Vorster who told the Free State congress of the Nationalist Party on September 17th, 1964: 'If Liberals want to work with the Communists they must bear the same blame and the same penalties. It was clear that the jingoes, the Liberalists and the Communists lay in the same trench to shoot at the government'.

No matter what the losses and mistakes of the past, we come back to the same position—submit or fight. Nor should we feel we have fought in vain, that the sacrifices of the people have been for nothing. Those who have led or taken part in the struggle over the past few years were true pioneers and trail blazers, charting the road to the future. Their efforts have been prodigious. They have changed the thinking not only of their own people but of the people of the whole world. They have shown that the people of South Africa are ready to fight and sacrifice for their freedom. They have shown that in the conditions which prevail in South Africa the revolutionary way forward is the only way.

The very introduction of the ninety-day law showed that the people's movement in South Africa had reached such proportions that it was only by resort to naked force and the abandonment of any pretext of the rule of law that the Government was able to deal with it. The

clash of battle in South Africa had its echoes throughout the rest of the world. Resolutions at the United Nations condemning apartheid and calling for the abandonment of political trials and the release of all political prisoners have been passed by record majorities, with only the Verwoerd representative having the cheek to vote against. Both Britain and America, South Africa's main trading partners, have been forced to impose an arms embargo, and the question of full sanctions is being brought ever more into the forefront.

The special branch of the South African police, headed by Balthazar Vorster, enjoyed the period of the ninety-day clause and the unlimited licence they considered it gave them to inflict sadistic tortures on men and women whose shoelaces they are not fit to tie. Lt. Swanepoel told the court in the Rivonia trial that this law was 'a mighty weapon in the hands of the police'. They have abandoned this 'mighty power' temporarily and reluctantly in the hope that they may now be accepted by the world as respectable, law-abiding and civilised people. The hope is in vain. They cannot wipe out from the memories of the South African people, or those of the outside world, the truth that has emerged—that they are nothing but a gang of brutal thugs and murderers who tried, as the gestapo and the Algerian O.A.S. did before them, to crush noble people's movements of national liberation by terror, assassination and torture. In the end they will fail, as their predecessors failed; in the end retribution will overtake them. 1963 and 1964 will never be forgotten, and Vorster and his special branch will be made to account for every patriot they have murdered and physically and mentally maimed in their grim prison cells.

Mr. Vorster, we can tell you right now that whether your ninety-day clause is in operation or not, the resistance against your tyranny and that of your Government will continue. Call your enemies subversive or foolish as you like, but they will never bow down to apartheid. Yes, new freedom fighters will take up where others left off. And because of the wounds which you have inflicted on the movement in the past, our soldiers in future will be more battle-hardened, better trained and more determined than ever to see this fight through to the end. 'Submit or fight'—that is our watchword. And we will never submit.