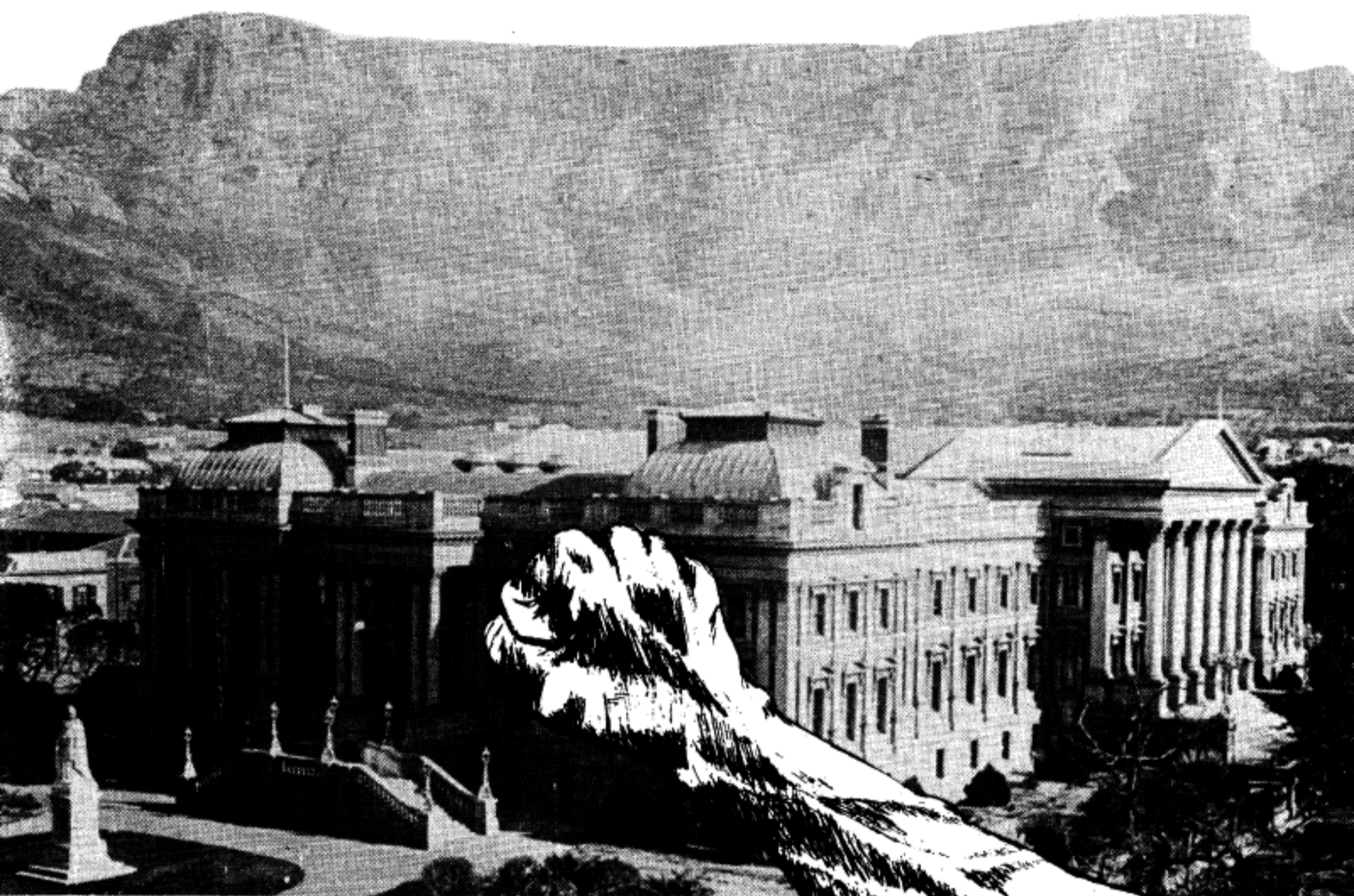


**Open the door Mr Botha  
We are knocking!**



*Houses of Parliament, Cape Town*

**Sash**

**Vol 28 No 2 August 1985**

**R2.60**

# Botha's statement

The statement by the State President, Mr P W Botha on July 20 1985 began as follows:

'Every responsible South African has, with growing concern, taken note of conditions of violence and lawlessness which, in recent times, have increased and have become more cruel and more severe in certain parts of the country, especially in black townships.

'These acts of violence and thuggery are mainly directed at the property and persons of law-abiding black people, and take the form of incitement, intimidation, arson, inhuman forms of assault and even murder.

'This state of affairs can no longer be tolerated.

'Thus far, the Government has shown the utmost patience. However, I cannot ignore the insistence of all responsible South Africans, especially of the majority of the black communities, who ask that conditions are normalised and that they are granted the full protection of the law to continue their normal way of life.

'It is the duty of the government to ensure that a normal community life is re-established and that community services are efficiently rendered.

'Children must be able to receive tuition. Bread-winners must be able

to fulfill their daily task. The life and property of all people must be protected, and law and order must be maintained.

'In view of the prevailing conditions, it is essential that the situation be normalised in such a way that the climate for continued dialogue in the interest of all people in the constitutional, economic and social fields is ensured.

## The Act

'Against this background, the Government has, in terms of the Public Security Act, Act 3 of 1953, decided to proclaim a state of emergency in 36 magisterial districts.'



Sir James Rose Innes

The present National Party Government is not solely to blame for the present unrest. As we all know, the oppression of the black population goes back to the time when the first white colonists came from Europe. Barbara Adam of the Cape Town branch of the Black Sash sent in these prophetic words, spoken by her great uncle, Sir James Rose Innes, Chief Justice of the Transvaal and later of the Union of South Africa. Published in the *Cape Times*, May 29 1929 they were part of a speech on the 'Native franchise question.'

'... they will be embittered by the grievances economic and administrative, which are bound to accumulate when one section of the people is deprived of those voting rights which their fellow citizens enjoy. Is it seriously contemplated, may I ask, to repress these aspirations, and to hold down this aggrieved and angry multitude by force?

'Because, let us make no mistake, it will come to that in the end. Force is no solvent of human problems. A choice between liberty and repression will have to be made. We cannot evade that momentous decision. South Africa stands at the parting of the ways.

'She may take the path of repression but it leads to the abyss, not in our time, but in the time of our descendants, whose interests it is our sacred duty to guard. Or she may take the path of liberty, rugged and steep and full of difficulty, but it leads to the mountain tops and will save South Africa from disaster.'

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Cover picture: the Houses of Parliament — by kind permission of the Africana Museum, Johannesburg, Sketch, Bongi Matsotse

# Black Sash editorial

**T**he Government has declared a State of Emergency in response to growing unrest in the townships. This unrest is an expression of black frustration and anger in the face of Government intransigence and neglect.

The State President views the violence and 'thuggery' as phenomena on their own — without apparent causes — and for which the State has had to show 'utmost patience'.

But those who have suffered the State's institutionalised violence (pass raids, forced removals, massacre of school children, detention, torture) have had to show far more than 'utmost patience'. The State President should look back over 37 years of National Party rule when he starts to apportion responsibility for the violence and 'thuggery'.

Our country is on the steep slide into anarchy and bloodshed. The townships are in turmoil. The administration of black areas is breaking down. The police are involved in doubtful actions which receive no criticism from the upper echelons. The army is caught up in having to fight fellow South Africans. This is indeed a description of civil war. Everything seems increasingly to be out of control, and the Government recalcitrantly evades the fundamental issue of giving blacks the vote.

Over the years moderation has failed to produce results. Again and again black peoples' rights to political association and participation in government have been smashed or denied. Freedom of association was inhibited, meetings and publications banned. Organisations were banned, their leaders detained, imprisoned and sometimes shot; currently, 52 of them are on trial for treason, leaving a vacuum at the top of an angry population.

In desperation people in the townships have resorted to organising mass boycotts, mass stay-aways and the like to make their grievances known. At each stage the State has responded with violence, but still the grievances remain.

Now time has run out for the National Party. The place where it confronts its black political opponents *en masse* is mainly in the townships. The interface between them is made up of township police, community councillors, beerhalls, administration board offices, government schools. Against these, as symbols and agents of their oppression, township residents, and youth in particular, have retaliated with petrol bombs, stones and looting.

Violence is becoming a way of life for a whole generation of young South Africans who are out of school, have no jobs, have nothing to lose, are frustrated and angry. They take their anger out on their surroundings and the people in their vicinity because the real culprits are not easily accessible.

A picture of lawlessness has emerged with the State's representatives, its police and community councillors, also taking part in the felony. This situation is aided and abetted by the government itself which for years has been abrogating the Rule of Law and denying the operation of due legal process. It has nurtured disrespect for the law itself by showing little respect for the fundamental tenet that justice must be seen to be done. Its many unjust and restrictive laws make this impossible for there is no way of administering unjust laws with justice.

Hideous things are done in the name of revenge on collaborators — or the 'maintenance of law and order'. The innocent suffer. Fear stalks the land. Violence begets more violence. In the absence of just laws, order can only exist through force, and this gets increasingly repressive with reactive violence and so on in an endless spiral.

And now the State has responded with an even more dangerous and repressive measure to add to the spiral. It has declared a State of Emergency. This gives its agents, from railway police through to the Minister of Law and Order himself, carte blanche to arrest, abduct, search, enter places without redress. Unlike the 1960 emergency regulations, the current ones include an indemnity clause (to prohibit prosecution of the State's agents) and an ouster clause (to prevent interdicts that restrain the police from any action under the emergency regulations). These regulations are a prescription for unrestrained State violence.

Why do authorities need indemnity? What can be worse than what they have already done? In the name of 'law and order' they have had the power to forcibly remove 3,5 million people and detain tens of thousands for their commitment to justice. They have shot scores of school children. Why does our government need further repressive powers?

John Vorster's prophetic 'too ghastly to contemplate' is before our eyes. This is not a time for increasing repression. This is a time for dramatic action on the part of the Government to release political leaders, to give franchise to the disenfranchised, hope to the hopeless, jobs to the jobless, mobility to the immobile, education to the illiterate, citizenship to those denied it, dignity to all, and security under the law to all its citizens.

It is a time to talk with all the people on a basis of equality. Nothing less will do. And it is a time which will not recur.

## Statement from Black Sash

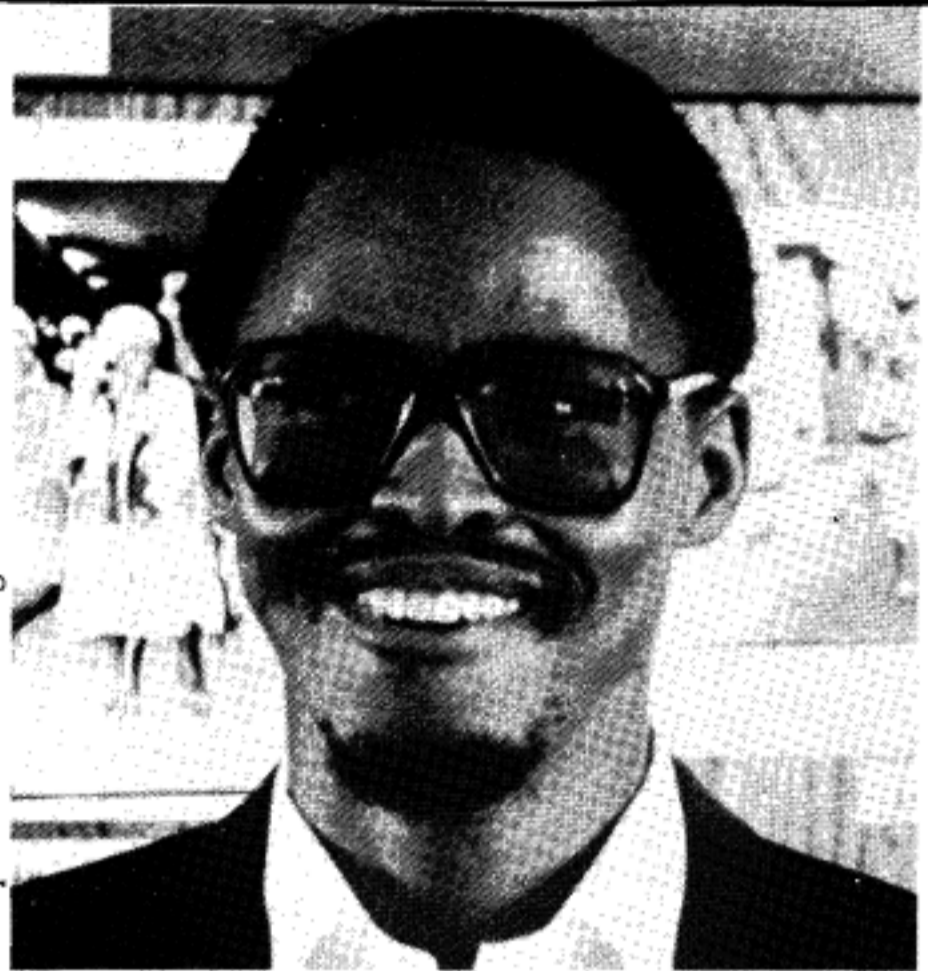
All of us in the Black Sash mourn the tragic and untimely passing of Mr Matthew Goniwe, Mr Fort Calata, Mr Sparrow Mkhonto and Mr Sicelo Mhlawuli.

We hope that those responsible for this dastardly crime will very soon be brought to book, and that there will be an end to these attacks on honest and honourable citizens going about their legitimate business of trying to find peaceful solutions to our country's problems.

We feel sure that their memory will be honoured for a long time, and that what they were and what they stood for will continue to inspire their community to carry on their work.

To the families we extend our deepest and most heartfelt sympathy at this sad and tragic time in their lives. We weep with them over this awful disaster that has overcome them, and deprived them, the whole community and the country of these leaders of worth.

photo: Gill de Vlieg



# Who was Matthew Goniwe?

Information about who Matthew Goniwe was is not hard to find. Much has been written about him.

At the time of his death he was 38 years old. He had been married for 10 years to Nyamike, a social worker. They had two children, a boy aged 10 and a girl of 3.

Matthew was born and raised in Lingelihle, the black township outside Cradock. His father was a firewood merchant and his mother a domestic servant. He trained as a teacher at Fort Hare University where he obtained a teachers diploma in 1971.

He had taught at schools in the Transkei, Graaff Reinet and Lingelihle. In his last two schools he had held the post of acting principal. At the time of his death he was about to become the headmaster of Sam Xhali Junior Secondary, the new school in Lingelihle.

He played a central role in the formation of CRAD-ORA, the Cradock Residents Association which was an unofficial township organisation; and CRADOYA, the Cradock Youth Organisation. At the time of his death he was also the rural organiser for the Eastern Cape region of the UDF (United Democratic Front). He was an associate member of the Black Sash.

Judy Chalmers and Molly Blackburn are Black Sash members who knew Matthew personally. This is how Judy described Matthew for *Sash* magazine:

'Matthew Goniwe lived and died in the service of his people. Above all else he wanted and loved to teach, and his dedication went far beyond the classroom. Anything that concerned his pupils was his concern also. He hated violence and longed for the day when he could once again take up his beloved profession. We honour his memory and pray that one day the peace he hoped and strived for will come to our land.'

What Judy wrote is borne out by what others who knew him have written; by visiting the township where

he lived and worked as a teacher and political activist; and above all by attending his funeral.

**He died in the service of his people . . . his dedication went far beyond the classroom.**

Press reports tell us that in 1972, after Matthew had taken up his first teaching post at Bitye, Transkei, he and another Cradock stalwart, the late John Hlehlekani, principal of the Cradock Bantu Secondary School, started a school in a dilapidated church hall in Mqanduli, 40 kilometres outside Umtata. They called it Holomisa Secondary School.

As a man with initiative of this kind, Matthew later ran into trouble with the authorities. He tried to provide his students with a wider understanding of the context in which they found themselves. He introduced political analysis and discussion into his lessons. In 1977 he was arrested under the Suppression of Communism Act. He spent four years in jail in Umtata. During that time he obtained a BA degree from Unisa, majoring in education and political science.

On his release he took up a post at Nqweba High in Graaff-Reinet where he became acting principal after three months. He returned to Lingelihle in 1983 to take up the post of acting principal at Sam Xhali Junior Secondary School.

His service in the community did indeed go beyond that school. During 1983 a new section of Lingelihle was opened up. Rents plus service charges on the new houses, which were virtually identical to the old four-roomed houses, involved a payment of some R54 more per month. In a township with a chronic housing shortage and where R40 per month is considered a good salary, people were forced to take the houses but were simply not able to afford the rents.

It was these rent increases that first brought Molly into

contact with Matthew. He, with a group of other residents, approached Molly to enquire officially into the structuring of rents and to advise them of procedures to follow when forming a civic association.

Molly said that Matthew was non-political in his personal life and entered politics because of popular pressure. That pressure spurred Matthew into the formation of Cradock, which had its first meeting in August 1983.

Molly said that Matthew had an outstanding ability to appraise current issues, to understand what was right or wrong.

We saw this ability for ourselves at National Conference in Port Elizabeth in March when Matthew joined in a panel discussion on township unrest. In explaining the background to discontent and deprivation he gave us some socio-economic details about Lingelihle. The population of 24 000 have only two sources of income — poorly paid domestic labour in the small town of Cradock, and the railways which have been facing cut-backs. Matthew said that there was a huge army of unemployed people in the township, making a rent increase all that much harder to bear.

When we visited the township with its rutted and rocky roads strewn with rubbish, we saw the poverty for ourselves. The houses are tiny, sometimes minute and there are rows upon rows of corrugated iron shacks. The little children who stand in the dusty streets are dressed in rags, their thin little limbs exposed to the nippy winter breezes.

Matthew's house was in a more affluent street in Lingelihle. He clearly did not need to become involved in trying to ward off a rent increase. He could only have been motivated by compassion.

#### **Anything that concerned his pupils was his concern**

Molly said (*Sash* vol 27 no 2) that Matthew was 'an unusually brilliant and dedicated teacher', he was 'intensely interested in the welfare of his pupils who admired him enormously'.

His results proved his competence. One press report states that 'with limited resources he started to churn out students with A and B symbols in science and mathematics.' (*Evening Post* July 4 1985)

He instilled discipline and self-respect amongst his pupils, waging a campaign against alcohol and drug abuse. His work with his pupils outside the classroom culminated in the formation of Cradock in August 1983.

In December 1983 the Department of Education and Training informed Matthew that he was being transferred to Graaff-Reinet as from January 1984.

The people of Cradock believed this to be a political move. Matthew refused the transfer and was dismissed. He reapplied for any post as a teacher in Cradock 'even the lowliest'. His reapplication was turned down. (The DET [Department of Education and Training] now claims that his reappointment was due to be finalised early in July this year. Just before his death he was offered the post of headmaster at the new school in Lingelihle.)

The strength of his commitment to his pupils is also borne out by the fact that in February 1984, 7 000 pupils began boycotting classes to protest his dismissal.

The boycott did not end until over a year later when it

was finally called off at the insistence of Matthew and Cradock.

In March 1984, during the time when the Minister of Law and Order, Mr Louis le Grange had declared Cradock an operational area, Matthew, his cousin Mbulelo, Fort Calata and Madoda Jacobs, headboy of the high school, were arrested under section 28 of the Internal Security Act. Matthew and Madoda were held in solitary confinement at Pollsmoor Prison, Cape Town and Mbulelo Goniwe and Fort Calata at Diepkloof prison near Soweto. They were released without being charged on October 9, 1984.

After that time Matthew became the object of constant police surveillance.

Mrs Goniwe tells of an incident in 1984: 'Matthew was taking me to town a little before 8am. Before we left we saw security cars coming up the street and move slowly past us. We drove to the national road — the town is 2kms away along that road. We were ordered to stop, this gentleman came out of a car, grabbed Matthew out of our car by the scruff of his neck and pointed a gun at his head, saying "I'll kill you, I'll kill you". Matthew was taken to the security police car and we were told to follow to the police station where the car was searched from top to bottom. My husband laid a charge but we never heard anything more about that.' Mrs Goniwe has said that she cannot count the number of times her husband's car was stopped and searched.

#### **Yet, Matthew hated violence**

Mrs Goniwe said that Matthew hated violence so much that he gave up boxing for yoga!

Even Cradock's Police Commander, Major Calitz had spoken of Matthew's attempts to prevent violence in an interview he had with a British journalist, Michael Robinson. (*The Listener* July 11 1985)

Matthew Goniwe's non-violent spirit made its impact on the township where he lived.

Early in 1985 the entire township council of Cradock resigned, saying that they were rejected by the people and could no longer function. In a symbolic gesture, young members of the community immediately went to the councillor's homes and removed wire mesh nailed over the windows to protect them against rocks and petrol bombs — to demonstrate that they were once again at one with their community.

The night before the funeral, a contingent of about a dozen Black Sash members went into Lingelihle to visit the homes of the bereaved widows to express sympathy with them and their families. In the context of the brutal murder of the four men we were amazed by the spirit of peace and harmony that we found throughout the township. Each house was surrounded by singing tranquil youth. Within we found quiet acceptance amongst the bereaved wives and relatives. We felt more secure within the township than we did outside.

#### **We honour his memory and those of his comrades**

The funeral we attended the next day was further testimony to the fact that we of the Black Sash, and thousands and thousands of others honour the memory and spirit of Matthew Goniwe and his three comrades.

**Judy Chalmers, Charleen Smith and Glenda Webster**

### Who was Fort Calata?

Fort was born in Johannesburg into a heritage of political resistance. He got his name from the old Johannesburg Fort where his grandfather Canon Calata was held when Fort was born on November 5 1956. Canon Calata was one of the treason trialists involved in the famous Treason Trial that lasted from 1956-61.

When Fort was two months old his mother took him to Cradock where he grew up. In Std 9 he went to the Transkei to obtain his matric. He then went to Lovedale in Alice to do his Teachers Training Diploma. In 1979 he started teaching in Dimbaza, Ciskei.

He returned to Cradock in 1981 and by August 1983, at the age of 27, he had become chairman of the Cradock Youth Organisation. Some six months later, on March 31 1984 he was detained under section 28 of the Internal Security Act and was held in solitary confinement in Diepkloof Prison in Johannesburg. He remained there for nearly a year until February 1985.

He died, stabbed and burnt to death in the last week of June 1985. He leaves his wife, Nomonde and two children. His wife was 8½ months pregnant at the time of his death.

### Who was Sparrow Mkhonto?

Sparrow was also a political activist who was born and

On Thursday morning, June 27, 1985, Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Ficelo Mhlawuli left Cradock to attend a UDF meeting in Port Elizabeth. Derrick Swarts, regional general secretary of the UDF in the eastern Cape says the four men left his house at 9.10 pm saying they were returning direct to Cradock. Derrick Swarts tried to persuade them to stay the night, but Matthew said, 'Don't worry, we'll stop for nobody but officials'. Their return journey would have taken them through Blue Water Bay. According to UDF officials there was a road block outside the Bay that evening.

Early on Friday June 28, Nyamik Goniwe, Matthews' wife, phoned Port Elizabeth to find out if the four had spent the night in town as they had not returned home. Nobody knew their whereabouts and we all became extremely concerned.

At 3.30 on that afternoon Matthews' gutted car was found near the PE-Grahamstown road on the outskirts of Port Elizabeth. In the evening Sparrow Mkhonto's body was discovered near the road to Perseverance, some kilometres from the burnt out car.

On Saturday, June 29, the body of Ficelo Mhlawuli was found in sand dunes at Blue Water Bay. He too had been stabbed, burnt and mutilated. No trace could be found of Matthew and Fort.

On Sunday, June 30, Audrey Coleman arranged for a forensic specialist to fly down to Port Elizabeth. He spent hours examining the car, the site where it was found, and the sites where the two bodies were found. His findings will be made known in due course. Arrangements were also made for a pathologist to fly down. Legal resources attorney, Lee Bosilik was engaged to help the families of the four men.

On Monday the families came down from Cradock to see the sites where the two bodies were found. We had a

raised in Cradock. At the time of his death, Sparrow was chairman of Cradora, a position he had held since January 1985. Before that he had served on the organisation's area committee.

It was his involvement with Cradora that Sparrow felt had led to his dismissal from the South African Railways where he was employed until early in 1984. Cradock residents say that Sparrow was beaten up by Railways Police shortly before his dismissal. He never managed to find another job. He was under continual security police surveillance and 'harassment'. 'The security police knew of every move he and Matthew made, so it is surprising they did not know of the events of that fateful day,' a close friend of both men commented.

Sparrow leaves a wife and one child.

### Who was Sicelo Mhlawuli?

Sicelo was a personal friend of Matthew Goniwe. He was also an enthusiastic supporter of Cradora.

At the time of his death he was principal of the higher primary school for blacks in Oudtshoorn. Like Fort, he also did his teacher training at Lovedale in Alice. Before moving to Oudtshoorn in 1981, he taught for different periods at Thembalandu High School in King Williamstown and at Archie Velile Secondary School in Dimbaza. His subjects were history and Afrikaans. He too leaves a wife and child.

Charleen Smith

## How did the four men die?



### Judy Chalmers reports from Port Elizabeth

small prayer meeting at one of the sites. There was little hope that Matthew and Fort were alive.

On Tuesday, July 2, 35 SADF members with officers from the East Cape Murder and Robbery Squad plus local reporters and photographers (a high profile group) gathered to search the sand dune area near Blue Water Bay. After an hour's search the bodies were discovered. They were lying near each other on their backs, their burnt arms outstretched. The bodies were so charred it was difficult to see if they had been mutilated.

Since the bodies have been found the UDF has offered R5 000 reward for information leading to the arrest of the people responsible for the deaths. The police have offered R1 000. A team of UDF members is expected in the Eastern Cape shortly along with members of Amnesty International and a standing United Nations Committee on Missing Persons to investigate the case.

Our impression has been that whoever perpetrated this horrifying crime were highly professional. It was a well-planned hit job. The group's movements must have been known to the murderers who seem to have left few clues, the clues there are, are obviously intended to make the crime appear the result of the UDF/AZAPO feud currently going on in the Port Elizabeth townships. We must bear in mind that in Cradock there has been no UDF/AZAPO feud. Once again the UDF loses top leadership material.



*Black Sash banner at the graveside — Lingelihle funeral, July 20*

*photo: Gill de Vlieg*

## THE FUNERAL — OPEN THE DOOR, MR BOTHA, WE ARE KNOCKING

As the coffins were carried into the stadium, a large flat stretch of red gravel surrounded by vibracrete walls, a soft but powerful song went up from the thousands gathered there:

*Ayasaba, amabhulu; Ayangena, ayaphuma, ayadidizela.*

They are afraid, the government's people; they come in, they go out, they dither, trembling.

Then, at the end of the ceremony as the coffins started to wend their way across the veld to Lingelihle's stony, barren graveyard the people sang another Xhosa song —

*Open the door, Mr Botha, we are knocking.*

The singing and the spirit of that funeral were all a striking contrast to the State of Emergency of which we had heard rumours while we were there. For here, inside the warmth of the stadium, beneath the mild winter sun, encapsulated by a spirit of acceptance, amongst tens of thousands of potentially angry and hostile people, we felt how things could be if only Mr Botha would open that door.

It was the context of the funeral that made us expect anger and hostility. For these leaders, who had struggled for economic gains and political rights for their impoverished and disenfranchised people had been brutally murdered for their efforts.

The spirit of the four non-violent fighters for justice lived on. It was a spirit that many had come to honour. Thousands assembled from Lingelihle itself and thousands more came in 160 buses from all corners of the

country. There was a large group of international press with their television and other cameras. There were diplomats from across the globe. Some 25 Black Sash representatives came from all the organisation's branches.

The clergy too were well represented. The Bishop of Port Elizabeth was there, in all his brocaded robes, wearing his mitre and carrying his crook. Allan Boesak and Beyers Naude were there, carried above the crowd after the police had refused to allow more people in and the Bishop had gone to negotiate with the police.

As the Black Sash we were all heartened, and in fact some of us were moved to tears, because of the warmth that was expressed towards us. 'Viva Black Sash!' one man shouted as we walked arm-in-arm around the stadium before the banner that Gill de Vlieg and Glenda Glover had made for us. We were encouraged to see that there was so much goodwill left for anyone who was prepared to bridge the pag between black and white in this war of attrition.

All in all, it was a thoroughly encouraging experience. In spite of some militant songs and cadres of youth chanting around us as we all proceeded behind the coffins; in spite of so much poverty and deprivation, so much violent police action, perpetrated as Allan Boesak said 'mostly by whites', we were absorbed into an atmosphere in which we felt so secure that we felt safer there than we did outside.

And, in the end, as the coffins sank down into their graves, the crowd sang in the same spirit of peace and harmony;

*Hamba Kahle Sparrow . . . Fort . . . . Sicelo . . . .  
Matthew, Hamba Kahle.*

**Glenda Webster**

*Translations by Ponny Mpongoshe of Grahamstown*

**Statement put out by JODAC, the Black Sash, the DPSC, Descom, NUSAS, the Young Christian Students, and the ECC.**

**T**he deaths of Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlawuli appear to be the latest in a series of attacks on democratic organisations and their leaders.

According to DPSC information, already 27 UDF leaders and supporters have disappeared without trace and are still missing. There have been at least 11 political assassinations. The existence of two hit-squads who had a list of 20 community leaders as their targets has been exposed in the press.

Last month seven Duduza Cosas leaders were blown up by handgrenades in mysterious circumstances. According to the South African Council of Churches, Duduza residents believe the police were responsible.

Commenting on the situation generally, Dr Beyers Naude, general secretary of the SACC has said: 'I find in the community a deep-seated suspicion that those responsible were the police or hit squads supported and protected by the police.'

We have to face the fact that we are in a situation where unless something drastic steers us in another direction, increasingly such disappearances, murders, and killings will become the order of the day.

It will only be human to expect that there is going to be retaliation. What is happening in the black community cannot remain in the black community for all time. It will spill over into the white community.'



photo: Paul Weinberg

Dr Beyers Naude



From left, Margaret Nash, Ann Colvin, Molly Blackburn, Ethel Walt and Joyce Harris are welcomed into Lingelihle's stadium. The growing crowd of mourners and the township itself can be seen against the backdrop of the hills that surround Cradock

photo: Gill de Vlieg



# The State's whole repressive machinery

Barbara Crecy

**I**n the last 18 months we have witnessed ever-increasing repression in our country — to the point where we now have soldiers and their military equipment permanently occupying many townships across the land. We have indeed reached a state of civil war.

As a result of this repression and the unrest that it brings, over 400 people have been killed since August 1984, the majority shot by the police. Thousands more have been injured; some 10 000 have been arrested and charged with violence; another 649 were detained and charged under security laws. Since September last year 11 people have died in police custody; five have disappeared without trace and 11 have been abducted.

In this updated conference report, BARBARA CREECY gives an overview of the 'whole repressive machinery' that the National Party Government is using to combat its opponents and to quell black communities. The report also describes the effect of these measures in fermenting a vicious circle of death and destruction in African communities.

## ● DEPLOYMENT OF POLICE AND TROOPS IN TOWNSHIPS

Recent evidence before the Kannemeyer Commission of Enquiry into the shooting of at least 21 people by the SAP in Lange Township laid bare some of the horrific facts of police conduct in the townships.

But the report dealt with only one township. A further frightening thought is that Lange is *one*, albeit more extreme, example of what is going on every day throughout the land. As early as November 1984, the Catholic Bishops Conference, in their report *Police conduct during township protests* (August — November 1984), noted:

*'In a number of cases the very presence, and especially the attitude of the police has provoked public violence. We regret to say that, instead of being accepted as the protectors of the people, the police are now regarded by many people in the black townships as disturbers of the peace and perpetrators of violent crime.'*

Events documented in the SACBC report and elsewhere paint a picture of a systematic campaign to terrorise whole communities. For example, the DPSC and the UDF collected the following information about police deployment in the townships:

### \* Police use of guns

At least 400 people have been killed since August last year. The majority were shot by the police.

### \* Police in streets and houses

Townships around the country, in the Eastern Cape, East Rand, Free State and northern Cape are continu-

ally patrolled by both police and the SADF.

On many occasions the SADF has assisted the SAP with their house-to-house searches in the townships. For example, in October '84, 7 000 SADF troops backed up police searches in Sebokeng. The army was similarly used in Kwathema (Springs), Ratanda (Heidelberg) and Duduza (Nigel). In the latter township, males between the ages of 10 and 20 were arrested.

### \* Police in hospitals

Community leaders throughout the country report that many victims of indiscriminate shootings are arrested when they arrive at hospitals for treatment. Victims allege they are arrested as they leave casualty wards or if seriously injured are placed under police guard in hospital wards.

As a result, hundreds of people now remove bullets and buckshot with razor blades and kitchen knives in dangerous backyard operations. Hundreds of others who are unable to remove pellets and shot themselves risk lead poisoning and sepsis.

### \* Police as agents provocateurs

UDF and Azapo have both accused 'agents of the system' of being behind a campaign to promote inter-organisational conflict (*City Press, May 12, 85*)

The SABC and the commercial press have played a mischievous role in promoting this conflict: they have reported the distribution of fake pamphlets without mentioning that the organisations concerned denied issuing these pamphlets; they have distorted reports of UDF/Azapo clashes and they have focussed attention on 'black-on-black' violence.

This has had the effect of hiding the role that the SAP and SADF have been playing in the townships. Even further, they emerge as protectors of the people against conflicting groups. The press has thus been able to ignore the real causes of unrest in the townships: right wing groups can petrol bomb UDF and Azapo homes under the cover of inter-organisational rivalry.

The national executive of the UDF has pinpointed a reason for this — the Government is trying to weaken all organisations based in African areas by frightening away entire communities from oppositional activities. In this way they hope to allow oppositional organisations to exist, but in such a weakened form that they pose no real threat to apartheid. The Government will then be able to claim that it is democratic and allows for public opposition to its policies.

## ● INFORMAL REPRESSION AND RIGHTWING VIOLENCE

The Government is also either using or tolerating a number of informal measures to harass organisations:

A survey conducted by Descom and DPSC in the PWV area found the following trends among organisations they interviewed:

- \* Organisations reported that they had trouble obtaining venues for meetings. Town councils refused the use of halls or threatened churches that allowed it. Meetings were often banned or fake pamphlets were distributed claiming the postponement of a meeting.

For example, in Galeshewe (Kimberley) the UDF and its affiliates may not hold meetings. At least half a dozen of their rallies have been banned. Condemnatory fake pamphlets are distributed every three days.

- \* Those campaigning in opposition to the Tricameral elections were harassed while doing house-to-house visits, distributing newsletters or putting up posters. Many were escorted to police stations, questioned and sometimes charged with breaking municipal bye-laws.

- \* Rumours about oppositional leaders or prominent members of organisations often emanate from the security police who inform detainees that their leaders are employed by the police.

- \* Organisations reported police surveillance through telephones, visits to homes and offices and the confiscation of books and records.

- \* More sinister are the so-called 'right wing' attacks — anything from bricks through windows, dead cats wired to door handles, to gunshots fired through doors — on anti-apartheid activists. The murder of Brian Mazibuko and Norman Monyepote remain as yet unresolved.

(*Hidden Repression*; A report resulting from a Survey of Transvaal organisations September 1983 to July 1984 Descom).

- \* At least five people have disappeared without trace. A further seven Port Elizabeth Cosas members and two members of the Tumahole Civic Association are also feared to have been abducted. Three of these people are executive members of the P E black civic organisation who went to the airport on the night of May 8 this year. They never returned.

Another missing person is Soweto Cosas member, Eddie Mahleke who, together with a friend was returning to Soweto by train from a journey to town. The two were separated in the crowded train. When the friend arrived at their destination he found that Mahleke was missing. He reports seeing plain clothes policemen searching passengers on the train. Two Cosas members held by police allege that they saw them in police cells. The police denied the allegations.

- \* In an affidavit, a detainee swore that during her 11-month detention, security police had twice told her that her father was behind the Eastern Cape unrest. He was inviting trouble and would 'get what he was asking for' (*Weekly Mail* June 14, 85).

No culprit has yet been arrested for the attacks on Johannesburg activists' homes. Similarly the police have shown little interest in the exposure of a hit list for the assassination of 20 leading UDF and Azapo members.

## ● CRIMINAL CHARGES AND TRIALS

In an attempt to white-wash its image abroad, the government has placed increasing emphasis on charging detainees for political activities.

For instance, the DPSC notes that 15% (that is, 69) of that year's 459 detainees were charged. By the end of January 1985, 58% of 1002 detained until then had been charged. Of these 403 were acquitted, 16 convicted and 167 were awaiting trial.

An analysis of political trials during 1984 revealed the following:

|   | No of Trials | Persons Charged | Acquitted or Charges withdrawn |
|---|--------------|-----------------|--------------------------------|
| Treason                                 | 5            | 13              | NIL                            |
| Terrorism                               | 8            | 16              | 5                              |
| Furthering aims of banned organisations | 10           | 17              | 4                              |
| Subversion                              | 1            | 1               | 1                              |
| Possession of banned articles           | 24           | 24              | 16                             |
| Breaking banning order                  | 1            | 1               | NIL                            |
| Quoting listed person                   | 1            | 1               | 1                              |
| Attending illegal gathering             | 15           | 320             | 249                            |
| Public violence                         | 18           | 450             | 395                            |
| Disturbing the peace                    | 1            | 42              | 42                             |
| Intimidation                            | 7            | 19              | 17                             |
| Malicious damage to property            | 4            | 32              | 3                              |
| Arson                                   | 1            | 2               | NIL                            |
| Miscellaneous                           | 9            | 18              | 9                              |
| Transkei State of Emergency             | 2            | 384             | 384                            |
|   | <b>107</b>   | <b>1340</b>     | <b>1126</b>                    |

(*DPSC Report*, February 1985)

This analysis shows that few of the charges were for serious political offenses, such as terrorism and many were for fairly trivial political offences. This gives the impression that the reasons for detention had little to do with the 'crimes' themselves.

In a recent *Our View* the DPSC noted the following functions which the indiscriminate charging of political activists serves:

- to attach a criminal tag to those who oppose apartheid
- to imprison political activists for long periods of time as awaiting trial prisoners thereby acting as a disguised form of detention. (This has been achieved by refusing bail or setting bail so high that most families cannot afford to bail out a family member).
- to meet, in a distorted way, the 'charge or release' demand by charging a higher proportion of detainees.
- to obtain information about the person's opposition to activities for those of their organisation.

So charging people can be used as another way of detaining them for lengthy periods.

The laws under which Government opponents are often charged make criminal the very activities which they, the majority of South Africans, and virtually the

entire international community, regard as legitimate (*Our View, Star Feb 4, 85*).

Conversely, in many countries apartheid has been declared a punishable crime!

Our statute law is so broad that many acts of opposition can be converted into serious crime.

A lawyer quoted by DPSC in *Our View* wrote of Section 54 of the Internal Security Act:

*'Any person protesting against any facet of the system whether constitutional, political, industrial, social, or economic, even in an entirely passive and peaceful manner, can be arrested and tried for the offences of sabotage and subversion (Section 54) casts the net so wide as to include as criminal and subversive conduct regarded as perfectly legitimate and lawful in normal societies. It provides the authorities with a useful device to prosecute selectively with no effective safeguards'*

(*Our View, Feb 4, 85*)

There will be a number of important political trials in 1985. Leading opponents of apartheid will be tried for their activities.

— 16 leaders of the UDF and its affiliates are facing charges of high treason in the Durban Supreme Court.

— 22 civic leaders of the Vaal have been charged with treason after spending up to nine months in detention.

In expressing doubt that those on trial in Durban will be given a fair and just trial before an impartial court the UDF executive noted:

*'The courts will be applying laws which decree that opposition, even peaceful opposition such as UDF is involved in, may be construed as treasonable behaviour and, therefore a punishable crime.'*

## ● DETENTIONS

Indefinite detention in solitary confinement under either Section 28, 29 or 50 of the Internal Security Act remains an important measure for withdrawing activists from oppositional activities.

In 1984 the following people were held under these Sections of the Internal Security Act:

|   |             |
|---|-------------|
| Section 28:<br>providing for 'preventive' detention .....   | 28 persons  |
| Section 29:<br>providing for interrogatory detention .....  | 280 persons |
| Section 31:<br>providing for detention on instructions from<br>the Attorney General as a potential state<br>witness ..... | 18 persons  |
| Section 50;<br>providing for short-term preventive detention<br>(2 — 14 days) .....                                       | 72 persons  |

These figures do not include some 300 people detained by the Security Police under the Criminal Procedures Act, or simply taken for questioning under no legislation at all, for periods less than 48 hours.

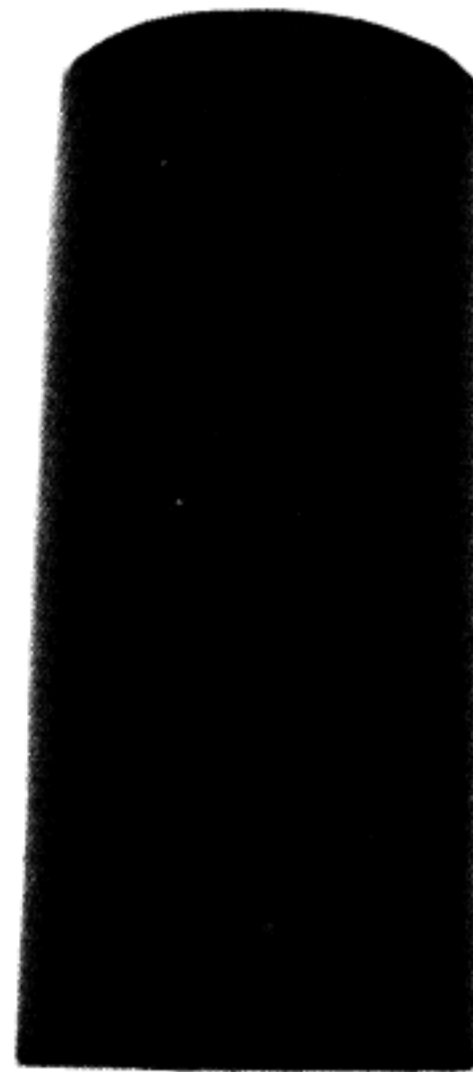
(*DPSC Report January 1985*)

According to the DPSC figures a total of 1149 people were detained during 1984, 420 of whom were detained



*The army in the townships*

*photo: Gill de Vlieg*



*Actual size of a rubber bullet*



*photo: Gill de Vlieg*

in Transvaal, 407 in Transkei and 123 in Ciskei. This figure is more than double the number detained in 1983.

Over 500 of those detained were students, youth and teachers.

High as this figure appears to be, a number of factors point to the possibility of it being an underestimation. The first is the announcement by Minister Le Grange in Parliament that there were 70 people in detention at the end of June 1984.

At this point, the DPSC had no idea of the identity of 24 of these detainees. Prior to the announcement, DPSC had noted in its June 1984 report that the SAP had invoked Section 4 of the Protection of Information Act, warning both the *Rand Daily Mail* and the *City Press* not to publish any information on detainees, or face a fine of up to R10 000 or a 10-year jail sentence.

Subsequent figures released by Minister Le Grange



*Hippo in Tembisa blocking the way of mourners at a funeral*

*photo: Gill de Vlieg*

indicate that there are 46 unknown detainees in police custody.  
(DPSC February 28 1985)

#### **Conditions under which detainees are held**

Two disturbing trends emerged during the last year in relation to the conditions under which detainees are held.

The first is the introduction in June last year of closed circuit television into detention cells at John Vorster Square.

Detainees held at John Vorster Square report that lights were kept on in their cells for 24 hours a day to enable the monitors to function. They had no privacy to wash, dress, sleep or go to the toilet. Any unusual movement was videoed and the detainee questioned about this activity later on.

The second trend has been attempts by Special Branch to reverse the victories won by detainees and their relatives in regard to receiving food parcels and visits during 1981/1982.

Since 1982, when the security police granted detainees the right to receive food parcels, they have been trying to erode this victory. They randomly refuse parcels, trying to force friends and relatives to negotiate for these concessions on an individual basis.

#### **Deaths in detention**

Over the last year, since August 1984, 11 people have died in police custody whilst having been arrested for politically related reasons. This is a dramatic increase in police custody deaths over such a short period.

#### **Preventive detention**

Last year also witnessed the extensive use of Section 28 of the Internal Security Act to detain political activists. The 28 people held included members of Cradock Residents' Association, UDF, Release Mandela Committee, TIC and NIC.

Detention under Section 28 can result in the listing of former detainees, a provision which can have the effect of preventing them from being quoted until their names are received from the consolidated lists.

#### **Black Sash work on repression in 1984**

The Black Sash worked with other organisations and people concerned with human rights to oppose repression. For instance, some members participated in a campaign against preventive detention and also assisted in compiling information printed in *Repression in a time of reform*.

The Black Sash continues to assist victims of repression who arrive at the advice offices.

The publicity given to repression plays an important part in the campaign to expose the government's claims of reform for the sham they really are.

#### **Responses to repression in the future**

The events in Uitenhage, Thabong, Kimberley, Vaal, Tembisa, Duduza and Crossroads all make it increasingly necessary that the Sash continue to expose repression in this country. The Sash also needs to embark on a campaign to educate its members and the public in general about the increasing use of the courts to silence opposition. The Sash needs to reiterate its call for the 'unconditional release of all detainees'.

## Victims of that 'Repressive Machinery' ?

Extracts from the Johannesburg Advice Office Report 1984.

### ● Another person missing under mysterious circumstances

Mrs M M lives in Sebokeng. On September 15 her 18-year-old son was on his way home from work when he was hit by two rubber bullets. He was arrested and was treated for his injuries while in prison. On October 12 he appeared in Court and was remanded on bail of R500 paid by Mrs M's brother and her son's employer. He was told to appear in Court again on November 16.

On October 23 the SADF and the police surrounded and sealed off Sebokeng and conducted a house to house search. Young Buti was in the house with his mother and after the search was completed his hand was marked with the indelible red dye and he was free to leave Sebokeng and to go to work. He and his mother travelled together by train to their respective places of employment. She has never seen him again.

When she came to the office on January 9 she had established that he had been at work on October 23 but had not been back since then. She found fellow workers who had been on the same train with him travelling home to Sebokeng from work on 23rd. He got off the train with them in Sebokeng. There was a good deal of police activity near the station. Many people were being arrested. It is not known what happened to Buti but he never got home.

Phone calls to police stations, prisons, security police, hospitals, failed to uncover any trace of him. His mother went to Court on November 16 to explain to the magistrate what had happened. Charges against him and his three co-accused were withdrawn. His bail was returned to her but he never came home.

### Police in the hospitals

A young man came in one morning and showed us a bullet-shaped object lodged under the skin on his head. He said he had been X-rayed at his firm's clinic and had been told that it was a bullet. He was referred to the Sebokeng hospital. When he got there he ran away because he says that many police were at the hospital and were arresting all those who were reporting for treatment of such wounds. He didn't know where he could go for treatment without risking arrest.

## SASH MOURNS THE DEATH OF TWO NATAL MEMBERS



SUSAN FRANCIS died in April 1985 at her home in Hillcrest Natal. As an early Natal coastal member she took part in the memorable convoy of 150 cars that travelled to Cape Town from 140 towns in South Africa to protest against the disenfranchisement of the coloured voters.

At that time Susan, a mother of two with a strong commitment to justice, and who had only been in the country for eight years, was also a member of the Liberal Party.

In the Black Sash she was soon recognised as an efficient and dedicated person. She became treasurer of the Highway Branch and later secretary of Natal Coastal. Then followed two years as chairman and later vice-chairman to Doris Wallace.

My first involvement in Sash came as Susan's secretary. It was a wonderful introduction, not only to Sash affairs and South African politics but to Susan as a person and a friend. She was totally honest, committed to equal opportunity for all and always keen to help those discriminated against. As a result she was also a founder member of the Enolweni Schools Feeding Scheme and provided the guidance for the establishment of the first Advice Office in Umgeni Rd, Durban.

In the 1970's, after her children had grown-up, she fulfilled an old dream when she went to University to study for a BA degree. Sadly, her husband who had been ill, died before she graduated in 1978. Thereafter she became a lecturer at the University of Durban-Westville.

We miss Susan. She was a person of great charm and integrity. A lover of books and art, she had a refreshing mind and a dry sense of humour.

We will remember her as one of the most dedicated Sash members during her active years.

Mary Grice

DOROTHY ANDERSON a founder member of the Midlands Region of the Black Sash.

I first had the privilege of meeting her during the 1950's when I came from East Griqualand to attend Sash gatherings in Pietermaritzburg.

Always a keen member, she attended meetings, and took part in poster stands at considerable inconvenience, as she lived in the country.

She could always be relied on to make a useful contribution to any discussion that she attended.

She was loved and respected by us all. May she rest in peace.

Gwen Allday



Judith Hawarden

# The crisis in black education

by Judith Hawarden

**Black students are among the most vocal and determined in the struggle for equality. They are in many ways the vanguard of the present crisis.**

**In this updated report presented to conference in March 1985, JUDITH HAWARDEN charts the course and causes of the present crisis in black education from its beginnings, with particularly educational issues in January 1984, to the dramatic escalation into community issues with community organisations some nine months later. She describes, from her readings and discussions, a situation which to this date remains simmering and unresolved.**

## Background to the crisis

When looking at the causes of the present education crisis one finds a pool of 'trigger factors' — any one that arises will aggravate an already volatile situation. As one factor gets played out or resolved, another arises.

The 'trigger factors' are symptoms of deep underlying political grievances. They will continue to exist as long as the myth of separate but equal is perpetuated.

According to a representative from AZASM, a student organization connected to AZAPO, and supported by an official of the UDF, in 1984, the trigger factor was the demand for Student Representative Councils. The disturbances that followed in black schools reached new, but predictable, proportions; ramifying out to take in issues such as rent increases and protests against the new constitution.

Widespread boycotts and severe unrest occurred in 1976 and 1980. Since then, sporadic boycotts and general dissatisfaction have prevailed. But the appalling 1983 matriculation results led parents, students and community leaders to agree that the standard of education had seriously deteriorated and a crisis had developed. Only 48,1% of students passed, with a mere 9,8% receiving matriculation exemption.

Poor results and dissatisfaction arises from the following generally-accepted causes:

- 1 Inequality in education, including:
  - 7 times more spent on a white than on a black child per year.
  - pupil-teacher ratios are 43:1 in black schools, 18:1 in white schools.
  - vastly inferior facilities in black schools with a serious lack of teaching aids and facilities.
- 2 73% of teachers in black schools are unqualified.
- 3 Teachers and students are demoralised and demoti-

vated. There is little respect for teachers by the students and little trust between the two. Teachers are afraid of losing their jobs and thus appear unsupportive of the students. This leads students to feel that teachers and principals are part of the oppressive and inferior system and the cycle of disrespect and mutual distrust continues.

- 4 Each year exams have to be rewritten because papers are leaked.
- 5 Students suspect that papers are left unmarked and results controlled because of corruption or inefficiency. (Atteridgeville students found unmarked scrips on a desk. The Department of Education and Training denies that this occurs).
- 6 Excessive corporal punishment amounting to assault is carried out.
- 7 Female students are sometimes sexually harrassed.
- 8 Students dislike and distrust the prefect system. They have demanded SRC's since 1976.
- 9 Age limit restrictions cause deep resentment. Overcrowding, financial constraints and general socio-economic conditions militate against students completing their schooling in an uninterrupted period.
- 10 Police intervention and action is seen as unjustified and inflammatory.

## The prelude during 1983

Throughout 1983 students made various demands to the Department of Education and Training (DET). But these were largely ignored. Indeed, the director general of Education and Training, Dr A B Fourie, threatened that stricter controls would be enforced if unrest continued<sup>1</sup>. In September 1983 a committee of Soweto students criticised Dr Fourie, reiterating student grievances — such as excessive corporal punishment, underqualified teachers and a lack of textbooks. They demanded SRC's, the unconditional readmittance of pupils and an end to police interference. (*RDM* September 5, 83) These and other demands went unheeded. Sporadic boycotts and unrest occurred. Police action followed and student leaders were detained. Finally, the appalling matric results were released.

## 1984 begins with sporadic boycotts

- Shortly after schools opened in January, pupils at Saulsville Secondary School in Atteridgeville refused to attend classes unless 90 students were readmitted. Five other schools in the area joined this boycott.

- In Cradock, Eastern Cape, boycotts broke out when a popular teacher, Mr M Goniwe, was transferred to Graaff-Reinet following his involvement in the civic association which was protesting a rent issue.
- Age limit restrictions caused pupils at Ibhongo Secondary School in Soweto to be expelled and this too led to boycotts.
- Shortly after, boycotts began in Alexandra township and Tembisa.

By the beginning of April 13, 107 pupils at 24 schools were boycotting classes.

(Source: South African Institute of Race Relations SAIRR).

### **Police reaction to the boycotts**

Police action inevitably followed. Meetings were broken up by baton charges, teargas and buckshot. Many students were detained or arrested. On February 13 1984, 15-year-old Emma Sathekge from D H Peta Secondary School in Atteridgeville became the first pupil to be killed that year. She was run over by a police landrover and died of internal injuries. (At the inquest held in July it was found that her death had been caused by a policeman's negligent driving). In Atteridgeville, 102 pupils were injured, 97 were detained and 69 suspended (source SAIRR)

### **April — the DET's response**

Towards the end of April, classes were suspended. At the beginning of May Mr Barend du Plessis, Minister of Education and Training, met with pupils from Atteridgeville. The suspension of classes was conditionally lifted on May 8. However, students were warned that schools would close if pupils had not returned by May 15. Leaders of the Congress of South African Students (COSAS) recommended that pupils should return in order to prevent this. The majority of pupils refused demanding the release of their colleagues facing criminal charges.

The Department refused to withdraw charges saying that those students were guilty of criminal offences. While continuing to refuse SRC's, DET announced the appointment of pupils representative councils (PRCs). Students rejected these, claiming that PRCs would undermine their demand for democratically elected SRCs (SAIRR).

### **June — grievances widen to include community issues**

During 1984 a significant departure in student action developed. Now more than ever before student demands included community issues '... the education struggle goes hand in hand with other struggles in our society' — COSAS<sup>2</sup>. 'Before they are students, students are members of their community. They are affected by rent hikes because it determines the amount of money their families have for their schooling'. (COSAS member, *The Star* June 7, 84). So, by mid-year, students had joined civic and labour associations to protest against the increase in GST, against rent increases, the new constitution and the coloured and Indian elections.

### **August — unrest escalates with protests against the elections**

From August 20 pupil and police clashes spread

throughout the country. On August 21, 36 United Democratic Front and Azanian Peoples Organisation leaders were held by police.

August 22 elections were held to elect coloured members of Parliament. 800 000 secondary school pupils as well as students from the universities of the Western Cape, Fort Hare, Zululand and the North, and students from technikons and training colleges boycotted classes to protest. Coloured and Indian school children joined the protest boycotts.

Police intervened and teargas, rubber bullets and sjamboks were used against protesting students.

August 28 similar boycotts took place and similar police action occurred. Hundreds of people were injured, many were detained and arrested.

### **Rent increases aggravate the situation**

Also in August, various town councils in the Vaal Triangle, with poor sense of time and considerable insensitivity towards an already volatile situation, announced rent increases. Students joined Vaal civic associations in protest, and on September 3, 93 000 pupils stayed away from school. Once again violence erupted and raged for several weeks with over 60 people dead, many detained and millions of rands of damage done.

### **September — police interference in funerals and commemoration services**

In September unrest flared in Soweto when commemorative services for black consciousness leader Steve Biko were broken up by riot police. The secretary of COSAS in Soweto, Bongani Kumalo, was shot dead by police on September 13. Until then Soweto had been relatively unaffected by the disturbances.

September 26 about 3 000 people defied a magisterial restriction and attended Bongani's funeral. Once again police intervened using teargas and rubber bullets. A youth running away to escape teargas was run over and killed.

Mass funerals took place almost every weekend, often in defiance of restrictions. Many arrests took place and police action was seen as indiscriminate and inflammatory.

Police claimed that they shot in defence. Parents of youths killed indicate a different story — 'My son was on the way to the shops. He saw the police hippo and ran into a yard. The police shot him and drove away.' 'My son was shot coming from school.' 'My son and his brother were walking in the street. They ran when they saw the hippo. The police shot my one son dead and my other son is being treated for birdshot in his neck and face.' 'My son was detained, the police said he was one who threw stones.'

Violent confrontations took place between pupils and police on the Rand in Wattville, Kwa Thema, Tumahole, Mamelodi, Tembisa, Daveyton, Katlehong, Thokoza, Vosloorus, in the Vaal Triangle and in the Eastern Cape.

### **October — countrywide boycotts affect thousands**

By October, 220 000 pupils and students were boycotting classes and lectures countrywide (*RDM* Oct 6, 84). On October 9 Gerrit Viljoen, Minister of Cooperation,

Development and Education announced that SRCs would be introduced in 1985. Age limit restrictions would no longer be applied. On October 11 he reopened the six Atteridgeville schools which had been closed since May. Extra lessons would be provided and internal examinations postponed. Standard 10 pupils would be allowed to write examinations whether in November 1984 or May 1985 as private candidates (*RDM* Oct 10, 84).

### **SRC impasse — the boycotts continue**

About half the Atteridgeville pupils returned to school but boycotts continued in most areas. COSAS and the Azanian Students Movement rejected the SRC Constitution which had been drawn up by the government without consultation with pupils. COSAS had drawn up a constitution themselves. The fundamental and critical difference between the two constitutions was the political aspect. The government's proviso was that SRC's would deal with educational matters only, while COSAS had stated that SRCs would affiliate with local and national bodies. In addition, students saw as a threat the clause that nomination of SRC members should take place in the presence of teachers.

#### **The COSAS SRC constitution**

- \* to assist staff to instil responsibility, determination, far-sightedness and dignity into the students
- \* to activate students in all matters affecting them
- \* to represent the student body whenever necessary
- \* to promote student development at grassroots level

#### **The DET SRC constitution**

- \* to act as representatives of fellow students
- \* to serve as a channel for communication between students, between students and staff and between students and principal
- \* to assist in maintaining order in the school in accordance with school rules
- \* to set a positive example of discipline, loyalty, respect, punctuality, academic thoroughness, morality, co-operation and participation in school activities.

(source SAIRR)

Parents expressed solidarity with their children, held meetings and formed joint committees in Port Elizabeth, Kathlehong, Daveyton, Kwa Thema, Soweto and at Mabopane Technikon.

### **Stay-aways — community organisations become involved**

October 17 representatives from labour organisations, civic associations and parents met with COSAS to discuss community support for the education crisis. A stay-away was called for October 22. Leaders claimed that there was 80% support for it.

After further discussions between COSAS and trade unions, another stay-away was called for November 6 and 7. Four out of the nine demands related directly to

education issues. Once again organisers of the stay-away claimed overwhelming support. Certainly thousands of school children boycotted classes and many schools were closed.

Once again, violence erupted. There were claims of intimidation and harassment for those who wished to go to work. Student groups in opposition to COSAS did not support the boycott. Two Atteridgeville students died in the violence. More COSAS leaders were detained.

### **November — examinations partial boycott**

Standard 9 and 10 examinations began on October 29. Thousands of students in Port Elizabeth, the East Rand and Vaal Triangle boycotted exams. The DET said that attendance was low throughout the country. Only 15,3% of students in the Vaal Triangle and highveld region sat. However in Soweto thousands of pupils flocked to examination centres despite a call to boycott. Police protection was required against intimidatory threats and many pupils wrote at secret venues (*Sowetan* Oct 30, 84). Reasons for the exam boycott were the same unresolved demands that had prevailed throughout the year.

Hundreds of thousands of students endorsed the demands and many regarded the education issues as only part of the wider confrontation. Yet Mr Job Schoeman, DET's liaison officer, said that exam time unrest was 'stirred up by those who have not studied'. (*Sunday Star* Nov 4, 84)

### **December — Government investigation started**

In December the vice chancellor of Potchefstroom University, Professor Tjaart van der Walt, was appointed to investigate the areas of unrest. Early in his investigations Professor van der Walt said he had found that there was a breakdown in communications and that drastic measures would have to be taken to normalise the education situation. He had seen 'some doubtful living conditions which cannot but affect the education of black children' (*Sunday Tribune* Sept 9, 84, source SAIRR).

At the end of 1984 all issues remained unresolved. The government had made concessions on the age limit and SRC demands, but once again had made the fatal flaw of deciding FOR the students and not WITH them. The students were adamant that they would not compromise on the democratic selection of SRCs and the SRC constitution. For hundreds of thousands it was a wasted year.

### **The situation in 1985**

The situation remains largely unchanged. Boycotts continue to the present. Inadequate press coverage and apparent public apathy make it difficult to give exact figures of how many educational institutions and students are presently affected.

At the time of going to print, the Universities of Fort Hare and the North are closed, as well as three training colleges. Victimisation continues, often in the form of expulsions, particularly to students who are seen to be 'political'. Reaction from the administrative bodies of affected institutions remains intransigent and police presence is obvious, often uncontrolled and provocative. On June 16 a high school pupil was shot and killed by a police bullet during a commemoration service on the University of the North campus. In Soweto on the same day teargas was fired after a commemoration service at Regina Mundi. This was in spite of the fact that, accord-





*The demand for SRC councils was a major grievance that sparked off unrest in schools*

*photo: Gill de Vlieg*

ing to eye witnesses, the crowd was orderly and controlled.

In addition, a new and sinister development is a new law which gives Councils of Universities and tertiary education institutions the right to expel students without a hearing.

Pupils who took part in boycotts in 1984 are experiencing repercussions. Example: Miss L was a student at Mabopane Technikon in Bophuthatswana. She was refused re-entry in 1985 although there was no academic reason. On enquiry her parents were told 'she knows the reason'. Parents of school children are being asked to sign forms saying that they will be responsible for their children's behaviour. When a mother refused to do this, her child was not accepted to the school. Students feel that exam results are manipulated as a covert punishment for boycotts.

AZASM and UDF spokespeople both agreed that the demand for SRC's is a critical factor in their ongoing unrest. Government intransigence will ensure that boycotts continue.

### **Conclusion**

Whatever overt reasons cause the education crisis, no amount of tortuous argument can deny that inequality in education arises from the policy of apartheid. Further, as student and community representatives have stated repeatedly, the education crisis is only a symptom and a part of the whole issue of South African society. Education cannot be considered in a vacuum.

Government's refusal to agree to real changes in the present education system causes frustration, resistance and unrest to continue and increase. Instead of having to waste energy and time on protesting this totally dis-

criminatory and unacceptable system, we should be planning an entirely new structure to suit the needs of the different South African society which we can expect in the future. For example, the present system does not provide the type of education necessary for the whole working population to be effectively and productively employed. In addition, unemployment and underemployment continue to increase at an alarming rate. Whilst in the white sector there is a high level of productive employment at present, for blacks the prospects are bleak.

South Africa is going to have to adjust radically its education system to prepare all its citizens for the changes — social, political and economic, which we can expect in the next 15 years. Experts from the fields of education, economics and sociology should be looking, critically and realistically at a future education plan.

And for the immediate future? When a 17-year-old boy says he feels 'hopeless and helpless' and a teacher says 'we have to work within certain boundaries, we have no outlet, we are powerless, with no freedom of speech', it is surely time to hear and to act. Frustration must lead inevitably to further violence and disorder. To avoid a cataclysmic situation, government must stop dodging and start real dialogue with all concerned. The desire to learn, to be educated, is fundamental to human beings. Black parents and children are demonstrating unequivocally that they are no longer prepared to accept inferiority in this basic aspiration.

### **References**

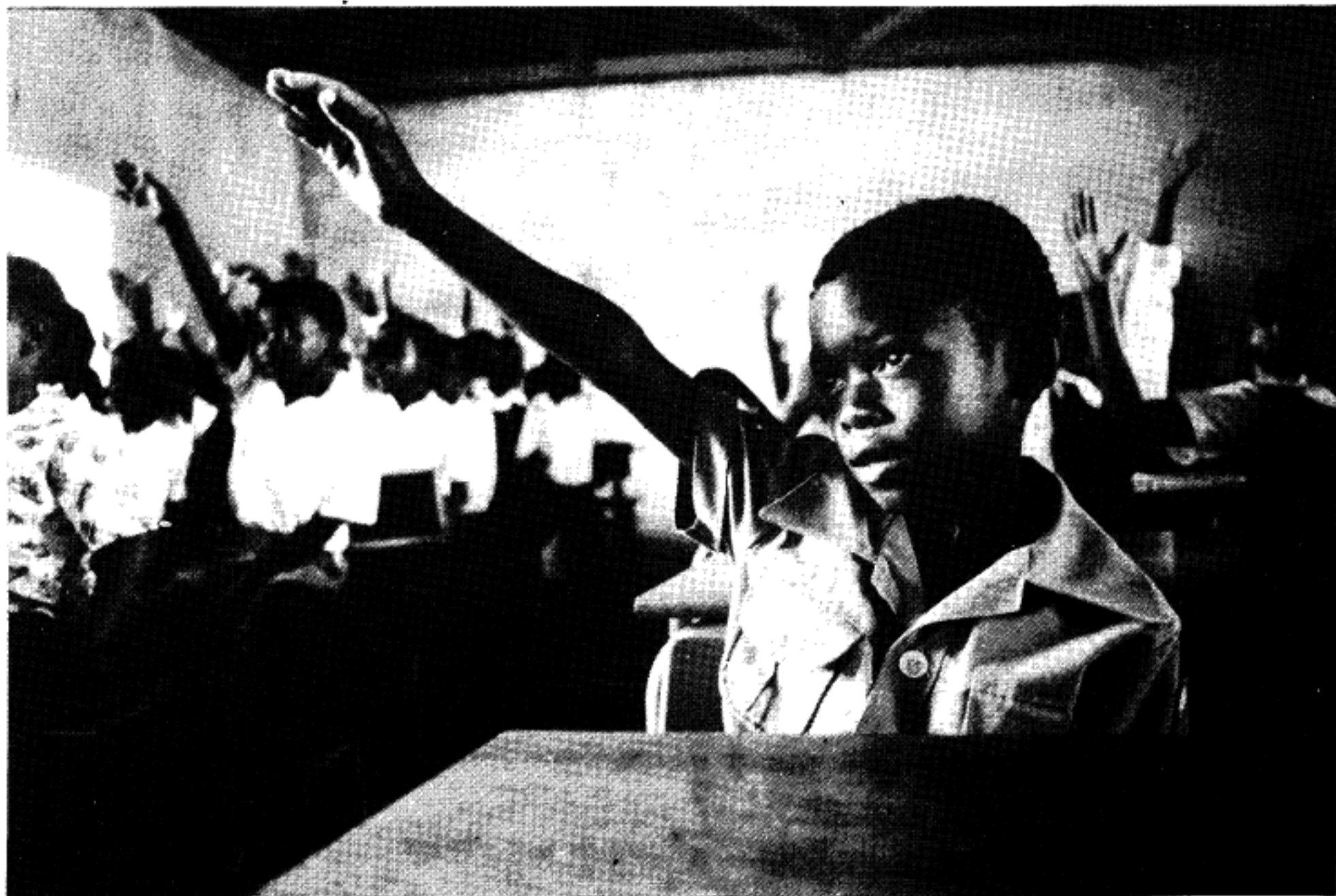
- 1 *Survey of Race Relations in South Africa 1983*, South African Institute of Race Relations, Johannesburg 1984, p. 466
- 2 SASPU National Vol 5 No 2 May/June 1984

## Appendix

### Case studies of families affected by unrest in Sharpeville 1984

*(Prepared by a psychologist who lives in the township)*

- 1 L I This 15-year-old boy was shot dead on September 3 near a friend's home. He had gone out to see what was happening after being told that some houses were being burnt. His death was a shock to his blind grandfather who depended entirely on him for his movement around the township. Only time will heal the wounds.
- 2 Mrs L M left home on October 26 for work, worried like all other mothers in the township who had left their children unattended. Around 11 am that day she got a phone call from her neighbours who informed her that her 7-year-old son was seriously ill in hospital. She learned of his death on arrival at the hospital. The son, who had been out of school since the boycotts, was shot whilst playing with other children near the scene where the truck for operation clean-up was hijacked. He was left there to die until neighbours organised transport to take him to hospital. He died after admission. His divorced mother is mourning his death.
- 3 Mr and Mrs M lost a son on September 3. He was shot and died on the spot. He was out with friends to see what was happening one block away from his home. He never returned home alive. He had three bullet wounds in his body. His parents could not believe he was dead since he was a very quiet boy who did not participate in the happenings of the day.
- 4 Mr V M's son was arrested standing at the gate of his home. No reason was given for the arrest. As the family members were not home that day they missed him for a while day and night. No police station could confirm his arrest. When he came back the following day he was a horrible sight. He alleged that he was badly assaulted by these policemen.
- 5 The M family spent sleepless nights towards the end of September after the father disappeared mysteriously. They heard rumours that he was arrested on his way home from work. It was a day later that he came home. He alleged that he was badly assaulted by the police.
- 6 Information from a social worker: a 10-year-old boy was also shot dead in his home whilst he was busy chopping wood in Sebokeng. He was out of trouble and safely in his home as the community sees it, but the police did not appreciate that.



*Seven times more per year is spent on the education of a white than on a black child*

*photo: Paul Weinberg*

# Members page



Miriam Hepner, Beulah Rollnick and Kathy Satchwell (from left) at the Black Sash birthday party at Jean Sinclair's house in May

photo: Glenda Webster



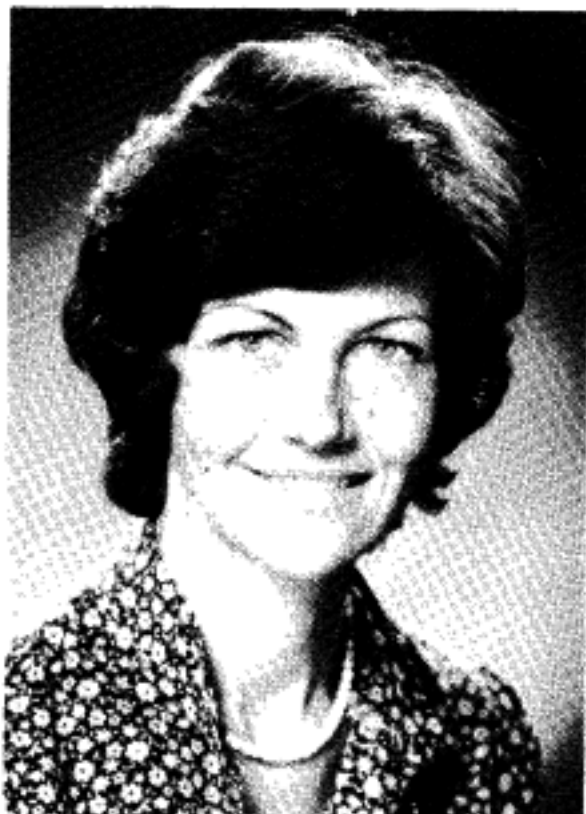
**BIRTHDAY CELEBRATIONS** — Moira and Rene de Villiers (left and right) with Mary Burton (centre). Rene de Villiers proposed the toast on the occasion of the Western Region's 30th birthday party on Saturday, May 18. He remembers the Sash from when he lived and worked in Bloemfontein in 1955 — 'I recall a little band of Sashers being taunted while standing at a National Party Congress. They refused to be intimidated. This history of Black Sash protest and dissent is the very stuff of which the fight of democracy is made.'

photo: Anne Zieminski

## What we can do

Di Bishop (left) was the speaker at the Transvaal Branch's project meeting in June. She talked about the use of the military in Namibia and the Eastern Cape. In concluding she made suggestions about how to respond to the current crisis in the country. There are three things we should do:

- \* Keep ourselves and others informed about what is going on
- \* Support the ECC campaign
- \* Intervene in crisis situations when called upon — for instance the kind of thing the Black Sash did in Port Elizabeth during and after the national conference in March.



Di Bishop



Our photographer, Gill de Vlieg, takes a break

photo: Glenda Webster



Advice office queue, Khotso House

photo: Gill de Vlieg

# Chaos in the administration of black townships



Sheena Duncan

**E**very day hundreds of people pass through Black Sash advice offices throughout the country. They come with the problems they face in living under South Africa's apartheid structures. Each problem is a microcosm of the full picture of life in South Africa for blacks at this time. Together these problems are therefore a barometer of national economic, social and political developments.

In the Advice Office Report for Johannesburg for 1984 SHEENA DUNCAN reaches some further disturbing conclusions . . .

Chaos and confusion in black urban townships has increased markedly over the last year. We do not refer only to the protests and unrest which were the mark of 1984 but to the total lack of **predictable** and efficient administration.

There has never been justice in local government for black people because the administering authority has never been representative. The government's attempt to introduce representative local authorities has been totally rejected and is effectively inoperative in the Transvaal metropolitan areas.

- **Bureaucratic confusion and corruption**

We have often reported in the past on bureaucratic inefficiency, obstruction, maladministration and corruption but we have not before experienced such a complete state of disorderliness in administrative structures.

The buck is passed from one office to the next, from one government department to another, from Town Council to Development Board and back again. People cannot possibly know with whom complaints can be laid or how they may obtain redress of wrongs done to them. Those who have money learn how to manipulate the system. Those without money are unable to be in control of their lives in any sense whatsoever. There is no orderly government. There is only repression, victimisation and disintegration of community. (See examples in box, page 20)

- **Housing hazards**

Housing waiting lists have become meaningless. New housing is expensive and its allocation becomes a question of who can pay.

Apart from the actual purchase or rental price of new housing stock there are complaints about the money

which has to be passed under the counter to someone or other in order to be given preference. It is almost impossible to find ways of exposing this practice. Those who have paid a bribe or received one are obviously not going to admit to doing so. Those who have observed such happenings do not want to jeopardise their own position by making statements. The rest is hearsay. Those who pay bribes and those who receive them do well out of the system. The victims are the poor and the less well paid — the majority.

People who have been renting a house for decades suddenly find that the house has been given to their lodgers without their knowledge.

People are unlawfully evicted from their homes without due cause and without proper notice. If they know where to go for help immediately they can establish their right of occupation but too often they have been out in the street with all their possessions for months before someone tells them where to go for assistance and then it is too late. There is no proof of the story. Some other family is in occupation. There is no redress.

It is not only in the townships that people have money extorted from them. People complain that they have been told that they must pay R150 for a birth certificate or R50 for a pass or 50 cents to get into the queue. Corruption of this kind can be prevented. Complaints to senior officials will bring prompt action but many people are frightened to complain and others say they cannot reach the senior officials because the clerks will not let them through.

Around the edges of the official structures flourish the entrepreneurs making a killing from the confusion. These strange businesses with strange names, sometimes found in expensive city office blocks, sometimes in the seedier ends of town, make a fortune out of selling forged documents, guarantees of legal aid to persons arrested, miracle homes to be built in far away homeland places, stamps in a pass permitting one to remain in town and to work.

#### ● **Legislative confusion**

Added to all this is considerable legislative confusion. The Black Communities Development Act is now in operation. It repealed most sections of the Urban Areas Act except for the crucial influx control provisions. \*Regulations framed under now defunct sections of the old Act are still valid and are deemed to have been made under equivalent provisions of the new Act but in some cases there are no equivalent provisions so the regulations are invalid.

#### ● **Administrative confusion**

Different responsibilities of the Department of Co-operation and Development and of the Development (Administration) Boards are transferred elsewhere. Labour Bureaux have become Placement Centres falling under the Department of Manpower — but only for some people, those with urban rights. The pass Courts now fall under the Department of Justice. The Reference Bureau and its crucial functions of black population registration and documentation now falls under the Department of Home Affairs. Officials in Co-operation and Development who have been designated as Passport Control Officers who should be Home Affairs are appar-

rently still Co-operation and Development. Are Passport Control Officers who are also policemen, Law and Order or Home Affairs? Township superintendents are now employees of Town Councils; the officials remain the same. The controlling authority is different.

It is impossible for the public to know any longer who is responsible for what. One wonders whether the officials themselves know. Many just make up their own rules as they go along in flagrant defiance of the law.

**Mr N** who has a Section 10(1)(a) qualification in a small town in the Transvaal also had a job and accommodation in the Vaal Triangle. He was refused registration because 'we have enough people here'. The law is that the Labour Officer may not refuse to register a person with urban rights provided he has a job and accommodation.

Contradictory official statements are made all the time. Promises are not kept. Costs escalate but improvements do not materialise. Overcrowding grows worse daily.

White South Africa should not be surprised that black communities are refusing to co-operate any longer with a system which denies them the most basic sense of order, community and participation.

#### ● **Hardships for millions of homeland 'nationals'**

The insecure position of all black foreigners in South Africa was outlined in last year's report. This year it has become clear that Xhosa, Venda and Tswana people who are resident in the homeland at the time of independence are in the same position as proper foreigners from neighbouring countries which were never part of South Africa.

**Mrs M P M** was refused permission to live with her 10(1)(a) husband in Welkom. She was told she was not entitled to claim any legal rights in terms of Section 10(1)(c) because she came to Welkom from Transkei after independence. She was told to return home and to make application through the Transkei Foreign Affairs Department in Umtata to the South African Department of Foreign Affairs for permission to enter South Africa and to reside with her husband in Welkom. Our legal advice is that this is a correct interpretation of the law. This affects the future prospects of all the 4 701 000 black people who are resident in the independent homelands. They have been legally and factually completely dispossessed of their birthright as South African citizens.

#### ● **Hardships in influx control**

Influx control continues to be enforced with ever more rigidity. More and more unemployed people are coming to the advice office every day. Those who have urban rights but are without work are in a pitiful condition of anxiety and need, but their condition is nothing like as desperate as that of people who have no permission to be in town or to seek work. They are in constant danger of arrest. Employers are now unwilling to offer even a casual day's work to a person whose pass is not in order. The law prevents them from helping themselves. Many do not know where the next meal will come from.

The wives and children of Section 10(1)(b) qualified people whose legal rights were taken away from them by the 1983 amendment to Section 10 come to the office for help in a steady trickle.

Only those who can prove that they came to town be-

\* see page 21

fore August 26 1983 and took up residence before that date with husbands who had acquired a Section 10(1)(b) right before that date have a legal right to remain. The rest are not permitted to stay together as families unless the breadwinner has a house of his own.

In the past a man was not able to put his name on the waiting list for a house until his dependents were legally in the area so none of these families are on the waiting lists. The shortage of accommodation in all urban areas is critical and, as stated above only those with high salaries have any hope of getting a house.

Government keeps control of the amount of housing which is provided for black people in urban areas by limiting the amount of land made available and by a policy which prices accommodation out of reach of the majority of people. There can be no free market principles in the housing market as long as townships cannot expand outside their existing borders. There can only be a situation where costs escalate to levels far beyond the real value of the houses concerned and where the poor remain homeless and overcrowding in existing houses increases.

#### • **Warning — the future under the new Urbanisation Bill**

It is not yet known what the Government's new Urbanisation Bill will be like but it will be a disaster if permission to remain in town is made dependent on possession of 'approved accommodation'. If this is what government intends, influx control will become even more severe and more rigid than it is now.

Under the present system a person's Section 10 rights exist irrespective of whether he has a job or a place to stay. Any attempt to pretend reform by introducing 'orderly urbanisation' as a euphemism for a more efficient form of influx control will be a betrayal of the first magnitude and will be unenforceable. People will simply not co-operate. The current disorder will appear to be a Sunday School picnic compared to what will happen in response to any such move.

Influx Control must go immediately and in its entirety and 'orderly urbanisation' programmes should be instituted to provide the land and essential services which will be required. The money at present expended in trying to enforce the unenforceable would go a long way towards providing for such programmes.

Too many white businessmen are saying that influx control must go but must be replaced by a system of control based on work and accommodation. It sounds a very much more acceptable proposition. The words are softer and seem to be reasonable but it is a most dangerous delusion which must be abandoned at once.



*Advice office workers Bertha Beinashowitz (left) and Elizabeth Rowe find a way through the multitude of regulations*

## **Examples of the effects of disorderly government, victimisation and repression**

**Mr A M N** lives in Tembisa and qualifies to remain on the East Rand in terms of Section 10(1) (a). In December 1983 he travelled to Mozambique by car for his annual holiday. He was in possession of a South African travel document issued to him in November 1983. On January 7, 1984 he was detained at Komatipoort on his way home.

He was held at the White River police station and alleges severe ill-treatment. After a week he was taken to Pretoria where his fingerprints were checked. The Reference Bureau record evidently supported his claim to have been born on the East Rand. He was taken to his father's house in Tembisa where his brother was asked to identify him from amongst nine other men in the van. His brother and a sub-tenant in the house did identify him but he was not released. He was taken back to Pretoria for another period, then all the way back to White River where he was released on January 22, 1984.

On January 10, 1985 the advice office received a telephone call from a friend of Mr M. Mr M had again visited Mozambique over Christmas *and had been detained again on his return.*

**Mr L** was born on a farm in the Kaap Muiden district and has lived on farms and worked on farms all his life.

In 1977 he made the short journey from Kaap Muiden to Komatipoort to buy clothes. He was detained at the Komatipoort police station. He alleges that he was forced to put his fingerprints on a statement. He doesn't know what the statement said. He was sentenced to four months imprisonment and deported to Mozambique. He came back because he does not belong in that country. He has had no identity documents since that time. He has to prove that he was born in South Africa. It is almost impossible for him to do so. The Reference Bureau no longer accepts affidavits as proof of birth.

**Throughout the year there has been a steady flow of such cases. The policemen concerned, some of whom are also passport control officers, are apparently able to act as they please and to hold people in detention for an indefinite period while denying them access to legal assistance. Ways must be found of exposing what is happening and of preventing it from continuing. Work on this will continue this year.**

# Repression — the counter violence

## Extracts taken from the Johannesburg Advice Office Report for 1984

### Cases arising from the unrest.

These have been many and varied. It is very difficult to establish any coherent picture. The people who come to the advice office are the victims of repression by the apartheid system and the forces of Law and Order but they are also sometimes victims of coercion by opposition forces.

**Mr T** is the archetypal victim. He came to the office with head and hands horribly scarred and bound in medical supports. He had been quietly participating in a bus boycott in protest against increased fares and had decided himself to join with others in finding other means of transport to get to work. One morning while travelling out of the townships his taxi was stopped by police. All passengers were ordered out and on to a bus. Five blocks further on the bus was stopped by a picket. A petrol bomb was thrown in among the passengers. Mr T was severely burned and will never lose his scars.

**Mr Y** was one of those affected by the Lekoa Town Council's decision to try to recover rents unpaid in protest against increases announced in the Vaal in September 1984. His employer summoned him and gave him a copy of the order from the Council ordering the firm to deduct the rent he owed from his wages. The employer asked his permission to deduct the money. Mr Y immediately resigned from the job. He explained that if his rent was paid his house would be burnt down. We asked him if he personally knew anyone to whom this had happened. He said he knew three people.

### Stayaway cases

November 5 and 6 were the days when there was a successful protest by thousands of people who stayed away from work. We have no doubt that most of those involved in the action did so willingly and of their own volition. However there were also casualites. Workers who were not unionised, illiterate people who could not read pamphlets or newspaper stories, who were caught up in events they could not understand, and who suffered for it.

**A group of men** from Benoni came to the office on November 8. They had all been employed on the

small Modder Bee mine. No accommodation was provided for them and they had to find their own lodgings in Daveyton township. All were migrant workers, most of them from Transkei. They came to the Black Sash because they had been discharged for failing to go to work on Monday and Tuesday.

They stated that they had tried to go to work as usual on Monday morning. They normally walked from the township to the mine. They were turned back by a picket armed with sticks and stones.

On Monday evening one of the group, Mr N saw a man with his ear sliced off. Another saw a man he knows as a factory worker with half an ear sliced off. He spoke to him and was told he had been attacked coming home from work and his ear was sliced because he had not stayed away.

On Tuesday morning the road was barricaded. The police were present and there was a good deal of tear gas. They did not go to work that day either.

They had no opinion about the stayaway because they said they did not know anything about it.

**Seven women** came to the office on the same day. They had been employed in a factory and had also lost their jobs after they did not report for work on Monday and Tuesday. Their employer was a sympathetic person who had lost a new order when the first one was not delivered as promised on the Tuesday. He explained that 22 women had been involved in the stayaway and he had decided he had to retrench, not dismiss, 11 of them. When he told the workers of his decision they said he either kept them all on or they would all leave.

Three of the women live in Katlehong and said it had been impossible to leave the township at all because of pickets and barricades. Two lived in Thokoza. One was turned back by pickets who told her 'You will not pass here. Go back'.

The others returned home after seeing a man with his ear cut off.

One, who lives in Mofolo, was turned back by pickets at the station, one of whom struck her sister on the head.

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\* Subsequent to the preparation of this article, the influx control regulation, Section 10 of the Urban Areas Act was amended by the Laws on Cooperation and Development Act of 1985. It came into effect on July 3 1985, extending black peoples' chances of getting rights to live and work in white areas.

**Section 10 (1) (a) rights** — People can now get rights under this section if they were born and have lived 'continuously' in different prescribed areas, that is basically, black townships in white areas. The old requirement was that a person was born and have lived continuously in *one particular prescribed area*.

**Section 10 (1) (b) rights** — Under the old law people got the right to live in a prescribed area and work in a white area if they could prove that they had either lived continuously in one particular prescribed area, or, worked continuously for one particular employer, for certain periods of time. This requirement was extended to cover continuous residence in *different* prescribed areas and the time was reduced from 15 to 10 years. Similarly, the 10 years continuous (lawful) employment qualification was extended to *different* employers but the time remains at 10 years.

The meaning of 'continuous' in this context is not perfectly clear.

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# Law and order

## — a legal perspective

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**Police action in South Africa's black townships is frequently justified on the basis that the police are maintaining 'law and order'. But what is 'law and order'? In this article, ALEC FREUND, an attorney in the Law Department at the University of the Witwatersrand analyses what is meant by this concept, with particular reference to the South African context.**



Alec Freund

photo: H Mabuza

### How the laws use it

Section 5 of the Police Act, No 7 of 1958 provides that the functions of the South African Police shall be *inter alia* —

- a) the preservation of the internal security of the Republic;
- b) the maintenance of law and order;
- c) the investigation of any offence or alleged offence; and
- d) the prevention of crime.

The phrase 'maintenance of law and order' is also encountered in much of our security legislation. For example, Section 4 of the Internal Security Act, No 74 of 1982, gives the Minister of Law and Order the power to declare an organisation to be an unlawful organisation if he is satisfied, *inter alia*, that the organisation 'engages in activities which endanger or are calculated to endanger . . . the maintenance of law and order'. Similarly, in terms of Section 5 of the Act, the Minister has the power to prohibit publications expressing views which 'are calculated to endanger . . . the maintenance of law and order'.

### What the courts say about it

Given the extent to which use is made of the term it is perhaps surprising that 'law and order' has received little judicial consideration. There is one case, however, in which the meaning of the term was expressly considered. In *S v Cooper and others* 1976 (2) SA 875 (T) the accused were charged in terms of the 1967 Terrorism Act with participation in 'terroristic activities'. In order to secure a conviction the State had to prove that the accused had acted 'with intent to endanger the maintenance of law and order in the Republic. It was in this context that Mr Justice Boshoff commented:

'In its ordinary sense the phrase 'law and order' refers to the law-abiding state of society, that is to say, the absence of riot, turbulence and violent crime and the prevalence of constituted authority . . . There are therefore two sides to the concept "law and order"; the constituted authority responsible for its existence and the general body of law-abiding members of society in which it exists.

To endanger the maintenance of law and order, an

act has therefore to be directed either at the constituted authority or the general body of law-abiding members of the society in the Republic or portion thereof or both'.

We can see from this that 'law and order' refers to two inter-related but distinct concepts, the preservation of the 'constituted authority' and the protection of the general community from violence. It is the connection between law and order and the preservation of the 'constituted authority' which raises problems in the South African context.

### The main purpose of law is to maintain order

It is widely held that

'The first and foremost purpose of law is to maintain peace and order in the community' (Hahlo & Kahn, *The South African Legal System and its Background*, p 26).

### But unjust laws break down order

This consensual view of law may have some validity in societies where the law is regarded by the community as a source of protection for all. But this does not appear to be the situation in South Africa, where a large part of the community regard many of the laws as unjust and the constituted authority as illegitimate. In such a situation we can anticipate that some may feel compelled to challenge the authorities in a manner declared illegal by those authorities. The police in turn are required to take whatever action is necessary to suppress this challenge, and the stage is set for escalating conflict and violence.

### The Rule of Law is not law and order

It is important not to confuse the concepts of 'law and order' and 'the Rule of Law'. As John Dugard has commented:

'Many white South Africans who value the status quo above all else have come to equate the Rule of Law with the rule of law and order and have invoked it to support repression of those who seek to disturb the comfortable (for whites) prevailing social order'.

(*Human Rights and the South African Legal Order*, p 42)

One of the difficulties with the Rule of Law is the vagueness of the concept. Some lawyers have restricted it to



a procedural restraint on governmental action, whilst others have tried to infuse it with political, economic and social values. Liberal South African lawyers tend to confine it to a procedural concept, and are critical of those laws which empower the government to detain or otherwise restrict individuals without a fair trial. Arbitrary government powers are regarded as inimical to the Rule of Law. As Mr Justice Hiemstra once wrote:

“If Parliament should grant to the executive unlimited powers, then all the actions of the executive would be legal, but the rule of law could yet be grossly violated”.

*(Constitutions of Liberty, (1971) 88 SALJ 45 at 46)*

### **The Rule of Law concerns the quality of laws**

This statement points to the difference between ‘the Rule of Law’ and ‘law and order’. As we have seen ‘law and order’ requires obedience to the laws passed by the constituted authority, irrespective of the community’s perceptions regarding the legitimacy of the authority. The Rule of Law, on the other hand, is a yardstick according to which a given law may be attacked for its failure to meet certain requirements. It is accordingly incorrect to use the Rule of Law as a basis to require compliance with unjust laws, as those seeking to entrench the prevailing order sometimes do.

### **Repression cannot be used to maintain law and order**

I wish to make clear that I am not suggesting that the

concept of ‘law and order’ has no value in the South African context. The second element of the concept referred to by Mr Justice Boshoff in the *Cooper* case that is the protection of the general public, requires particular recognition. Ordinary citizens, including those living in black townships, have real and legitimate fears for their safety and well-being when law and order breaks down. The community requires protection from wanton violence. However, a society based on laws which are perceived to be unjust is unlikely to be able to maintain law and order indefinitely.

In the final analysis a government which cannot claim the support of the people it governs will be unable to maintain law and order except through repression. Repression, however, has not proved itself to be particularly effective as a long term solution to problems of legitimacy.

### **The danger when police fail to protect the general community**

What is to be feared is the possibility that the police are perceived by the black community as concerned with the first component of ‘law and order’, ie the protection of the constituted authority, and not sufficiently concerned with the second component, the protection of the general community from wanton violence.

Recent reports of police turning a blind eye to violent attacks on anyone seen as a political threat to authorities are therefore a source for grave concern.

**In the final analysis a government which cannot claim the support of the people it governs will be unable to maintain law and order except through repression. Repression, however, has not proved itself to be particularly effective as a long term solution to problems of legitimacy.**



## **A child died in police custody**

**O**n July 5 1985, a 12-year-old boy died of head injuries while in police custody. He was Johannes ‘Witbooi’ Spogter.

Johannes was arrested during a demonstration by 150 youths in Steytleville townships over the deaths of Matthew Goniwe, Sparrow Mkhonto, Fort Calata and Siculo Mhlawuli.

In an attempt to draw attention to this diabolical act, two Black Sash members, Cornelia Bullen-Smith and Beverley Runciman, chained themselves to the railings outside Parliament. Placards strapped to their backs read: ‘A child has died in police custody’ and ‘We are horrified at his death’.

They were arrested — but with some difficulty — the police, unable to obtain a key to the padlock had to slip the women’s wrists out of the chains.

The women were subsequently charged in court for ‘wrongfully and unlawfully’ demonstrating. The hearing was adjourned to August 23 for preparation of their defence.

# The law that devastates

Glenda Webster

*'It's law, carefully coded and deliberately planned, that causes devastation in the lives of millions of South Africans living in the rural areas,' comments Sash member LAURINE PLATSKY.*

Laurine is co-author with CHERRYL WALKER of the book *The Surplus People — Forced Removals in South Africa*, recently published by Ravan Press. The book was compiled for the Surplus Peoples Project (SPP). Its purpose is to answer the fundamental questions about the causes and effects of forced removals in SA.

When the book was launched in July 1985, the National Committee Against Removals (NCAR) likened the 'devastation' of the removals policy to the effect of a natural catastrophe, concluding basically this:

**'The most ghastly thought about the removals policy is that it's not a hurricane that uprooted millions of people from their homes and put them into shacks or tents without an adequate supply of water. It's not a flood that deprived them of their land and destroyed their cattle. The desperate conditions to be found in relocation areas are a result of carefully considered legislation intended to divide and control the people in an attempt to maintain economic and political power in the hands of the white minority.'**

NCAR is in a position to reach conclusions like this. It is an umbrella organisation that brings together the work of various anti-removals bodies operating in different regions such as SPP (the Cape), AFRA (Natal), TRAC (Transvaal) and GRC in the Eastern Cape.

Referring to this law that devastates, a TRAC fieldworker explains its purpose:

'The particular law is all the Acts and Regulations that are used to implement the Nationalist Government's removals policy, for example, to name a few . . .

Black Administration Act of 1927

Development Land and Trust Act of 1936

Group Areas Act of 1966

Prohibition of Black Interdicts Act of 1956

The list shows that much of the law that the Government needs to authorise its removals was originally promulgated by other governments, before the Nationalists came to power in 1948. But it is the Nationalists who used the seeds that were there, nurturing them and adding to them to bring their policy of separate development into fruition.

The object of the policy of separate development is to divide South Africa's black population into separate 'bantustans'. Blacks have political rights in their own bantustans but not in the remaining 88% of the country which is available for occupation by the white population. The South African Government thereby attempts to justify not giving blacks the vote.



Laurine Platsky with the book that she and Cherryl Walker wrote  
photo: The Argus

At the same time it makes certain economic gains. While financing numerous bantustan administrations is costly, the SA Government also hands over the problem of pensions, unemployment insurance, housing, schooling and other welfare expenditures to the bantustan governments.

To put it more succinctly, in 1978 Dr Connie Mulder who was then Minister of Bantu Affairs and Development said. 'There will not be one black man with South African citizenship.'

Influx control and the Bantu Homelands Citizenship Act are two means for achieving that aim.

Influx control stops African people from being able to come into the white areas if they are not already there. The Bantu homelands system prevents them all from attaining their full status as SA citizens. The Bantustans themselves provide a venue to keep any people left over who are not needed for their labour in white areas.

The removals laws are a third prong of the fork. They are the mechanism whereby the government can rid the white areas of as many blacks as possible. These blacks are people who may already have bought land in white areas before the 1913 Land Act divided the country giving only 13% for the majority black population. Or, the blacks to be removed are people who have rights to live and work in white areas but can be removed simply by redrawing the boundaries of the townships where they live. Or, if a bantustan is sufficiently close (approximately 75kms) to the white area where township residents have rights to work and live, then the township residents can be moved and relocated in 'commuter' townships in the bantustan.

To sum up, removals are necessary to neaten up the whole separate development policy. They remove black people who are considered to be 'surplus' labour, or who own land in white areas, or who for one reason or another can reduce the black population in white areas if they are removed.

The description of removals as a tidying up process can be seen more clearly if one considers the different categories of people who are removed from white areas and shoved into areas of 'their own'.

In their book, Laurine and Cheryl enumerate population removals according to these categories. The book, plus information from NCAR press releases and TRAC fieldworkers provides answers to questions about the extent of the 'desperate conditions' and the millions affected by them.

Information taken from SPP's book, from NCAR and TRAC press releases and field workers provides answers to the following questions about the extent of the 'desperate conditions' and the 'millions' affected by them:

### **Who are the millions of people affected by the removals policy?**

For their book, SPP estimated that there are some 3,5 million people who were uprooted by the removals policy between 1960 and 1983.

Almost all of them are black, disenfranchised and dispossessed. The figure includes each move for some people who moved more than once 'as it is the effects of the policy that need to be shown'.

SPP divided forced removals into the categories grouped below:

|                                     |           |
|-------------------------------------|-----------|
| Farms .....                         | 1 129 000 |
| Black spots and consolidation ..... | 614 000   |
| Urban relocation .....              | 730 000   |
| Informal settlements .....          | 112 000   |
| Group Areas .....                   | 860 400   |
| Infrastructural and strategic ..... | 103 500   |
| total                               | 3 548 900 |

(The figures were compiled from fieldwork and research done by SPP. They say: 'The figures are estimates only . . . precise counts are impossible').

Closer inspection of these figures gives better insight into WHOM the removals policy affects.

- \* The largest single group of 1.13 million people are African farm workers, tenants and 'squatters' on white farms. 'They constitute the most oppressed group in the country' says the SPP book. Evictions of these people are an 'ongoing feature of life in the rural areas.'

- \* Then there are another 1,44 million people, also 'at the bottom of the pile' who are squashed into the bantustans as a direct result of the Nationalist Government's 'separate development' policy. They are the people who are removed from:

- black spots (that is, freehold land owned by Africans in areas zoned exclusively for white ownership and occupation);

- areas due for consolidation into so-called 'homelands' or 'bantustans';

- urban African locations in white areas to locations in bantustans. The latter group are usually African townships on the outskirts of white towns. They

are deproclaimed and their inhabitants are moved to new rural townships within bantustans because the new locations are within commuting distance (up to 75 kms) of their places of employment in the white towns.

- \* Some 860 000 people were removed under the Group Areas Act. These removals are urban and they affect mainly coloured and Indian people.

- \* Informal settlements refer mainly to 'squatter camps' and other types of shanty towns put up on the edge of white towns and cities. Their inhabitants are people who have been forced out of white areas by influx control, or who escape from bantustans in search of a livelihood. Some 112 000 people, mainly African, were relocated into bantustans from informal settlements.

- \* Finally, infrastructural and strategic removals are those in which people are moved for the development of dams, highways and conservation areas. The book reminds us that 'the majority of people affected by these developments (being African) have no say in government, they are not part of the interest group that benefits from these developments'. These African people are often relocated in bantustans.

All these figures except those for group areas affecting coloureds and Indians show that between 1960 and 1983 some 2,7 million people were relocated in the already-crowded bantustans, mainly in fulfilment of the government's separate development policy. (The figure would be even higher if it included those forced out of white areas and into the bantustans because of influx control.)

### **What are conditions like in relocation areas in the bantustans?**

Conditions vary, states SPP, according to who was moved and what the purpose of the relocation area is. For instance, some relocation areas, called officially 'full scale replacement border townships' are intended to be urban locations within the borders of bantustans to supply a nearby industrial complex in the white area with labour. 'Closer settlements' of 600 plots or more a hectare each are officially for squatters from farms and black spots. There are also some temporary transit camps known as 'emergency camps' which are intended for people who are supposed to be moved again in the future. (Such a camp at Weenen in Natal has been a temporary holding place for its occupants since 1968!) 'But it's often not easy to distinguish between these different relocation areas,' comments a TRAC fieldworker. The bantustans are like extended relocation camps. In the provision of facilities the Government tends to favour coloured and Indian people over Africans, urban people over rural people, industrial workers over agricultural workers, and the employed over the unemployed. 'This corresponds to the divisions that it is trying to reinforce within the black population at every point,' SPP points out.

Thus the facilities provided in group area townships are far superior to those found in most African relocation areas. The relocation areas in the bantustans are the worst and affect the greatest number of people. These areas are commonly called 'resettlement camps' The SPP book typifies them in the following description:

'A collection of tin or wooden temporary huts (or

tents) crowded together on small plots (too small even for subsistence farming) and tucked away in some remote and impoverished corner of a bantustan. These areas are distinguished by their extreme poverty, their dense population (mainly women, children and old people) and their tin toilets. The tin toilet has become a symbol of forced removals. To see them in the bantustans is to know that people have been or are about to be removed there.'

There are several hundreds of these settlements scattered across South Africa, for example, Glenmore (Ciskei), Limehill (Natal), Elukhanyweni (Ciskei), Mzimhlope (Kwazulu), Waaihoek (Natal), Ledig (Transvaal), Hartebeestfontein (Rustenburg), Onverwacht (Free State).

In the 1960's before Cosmos Desmond's book *The Discarded People* publicised the conditions in relocation sites, people were usually moved into tents on tiny plots without toilets and running water. This led to a high mortality rate, especially of children. After the international outcry sparked by the book, conditions improved a little. One-roomed tin huts, often referred to as 'fletcraft' after their manufacturer, replaced tents. More attention was paid to the provision of basic facilities such as taps (say one every 100 metres) and latrines (bucket toilets emptied say once a week).

'The more isolated the area, the less likely it is to be visited by journalists and opposition politicians, the more likely the government is to skimp on the extremely basic facilities that it claims to supply', concludes SPP. For example, at Kammaskraal established in the Peddie district of the Ciskei in 1980, the first arrivals got no more than tents and latrines. Their only water supply came from a few water trucks. At Mbazwana on the Makhathini flats refugees from the St Lucia missile range built in 1978, got tents and nothing else. People

had to travel long distances to collect domestic water from bilharzia infected streams. Over half the malnutrition cases dealt with by the hospital come from the relocation area.

'Best off' states SPP 'are townships situated just inside bantustan boundaries, as part of the urban relocation programme.' They are likely to have rows of matchbox houses for rental, running water, perhaps even electricity. The closer to a major metropolitan area the greater the range of facilities. For example, Ezakheni in Kwazulu serving Ladysmith in Natal has a post office, a few telephones, two full-time clinics, one resident doctor, a community hall and several schools, apart from shops and a garage provided by private owners. Not everyone has a house. Seven years after they were first moved there, large numbers of people were still living

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**(Before) we had fields for the future of our children. Now we don't.**

*(interview at Elukhanyweni, Ciskei)*

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under 'temporary conditions' in a site-and-service section where each plot has its own tap and flush toilet.

The ability to survive in these relocation areas varies as much as facilities do — the further away from the established areas one goes, the more desperate the struggle for survival. But this is the case for all Africans and not only for those in relocation areas.

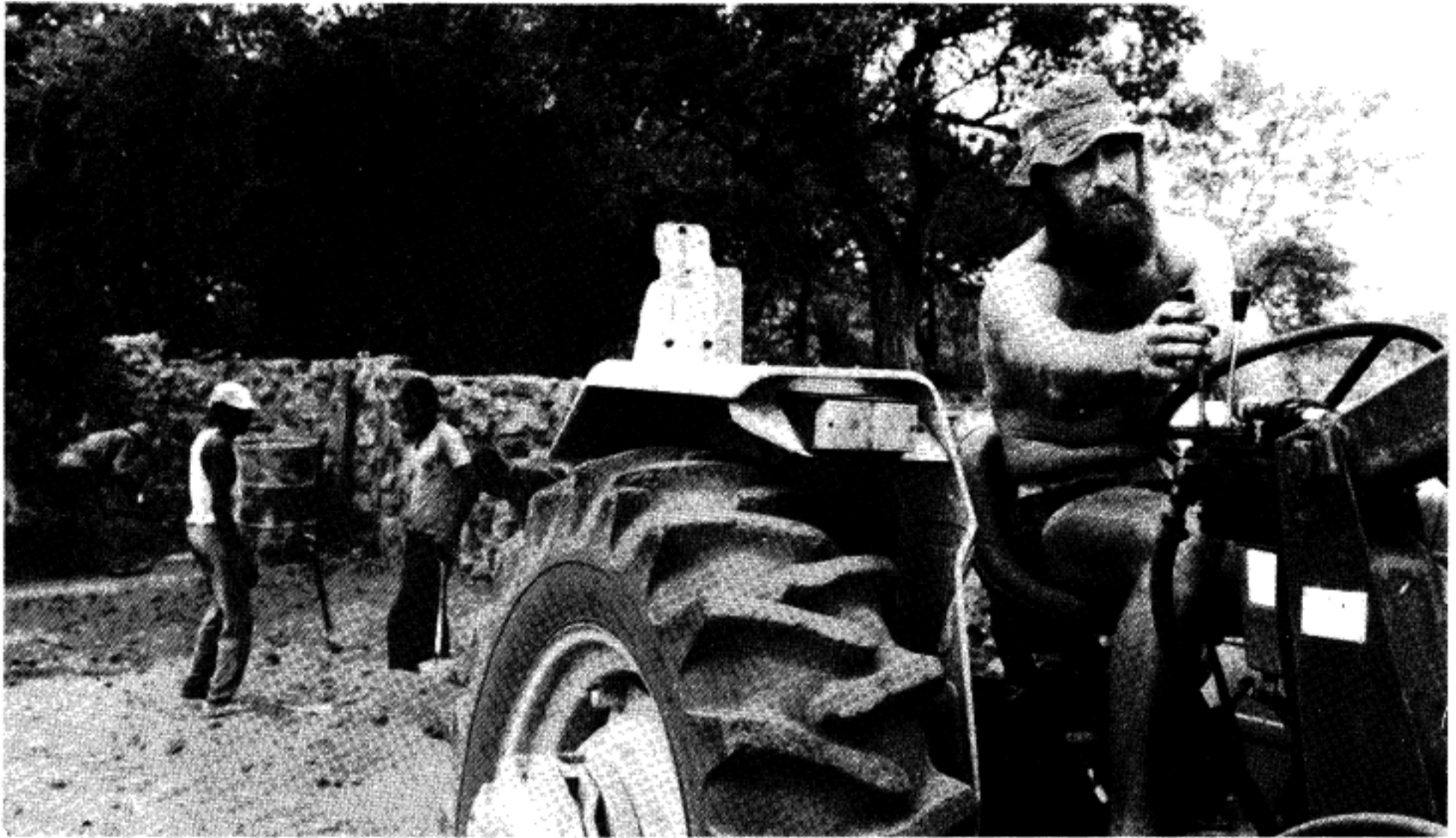
So are Africans in relocation areas significantly worse off than other Africans?

SPP interviewed 1 671 people from households in 19 relocation areas around the country between 1980 and 1982. They isolated a typical inhabitant from their survey — an old woman of 80 who lived at Sada in the Cis-



*Beestekraal — a relocation area with its tin toilets, the symbol of forced removals*

*photo: Gill de Vlieg*



*Black farm workers constitute the most oppressed group in the country*

*photo: Paul Weinberg*

kei. The account below, they said, is neither 'unusual nor extreme'. (In fact, some 15% of households surveyed in the eastern Cape had no income at all and how they survive is 'not always clear to the research worker').

'We are trying by all ways and means to make ends meet, only for survival. We live on bad conditions and see ourselves destroyed bit by bit.' This woman's only regular source of income is an old age pension ( $\pm$ R50 per month in 1982). Occasionally a migrant-worker son sends her a little extra money. She struggles to feed herself twice a day on mealie meal, tea, a little sugar, some bread and a little fat.

**What makes this account typical?**

- Firstly, while in all African areas migrancy is a way of life, most people have to leave the relocation areas if they are to find work. The Government does not undertake to provide work. When migrants were excluded from population counts in the relocation areas SPP found that 50% of the remaining people were children. Old people make up another large proportion.

Conversely, in group area townships surveyed by SPP the presence of migrants was non-existent or negligible. Over 70% of the workforce in closer settlements were migrants.

- Secondly, unemployment, which is a major problem everywhere, is more pronounced in relocation

areas. The survey came up with figures of 19% for men and 28% for women in relocation areas compared with a figures of 13% and 23% respectively amongst non-migrant populations

And the position gets worse . . . 'Relocation upsets established and relatively stable employment patterns. People who have been moved out of an area where they have been based for a long time often lose their jobs. As influx control tightens and the competition for jobs increases, people forced to live in the bantustans are finding it more and more difficult to get contracts as migrant workers.'

- Thirdly, SPP found that pensions rank as the most important cash income after formal wage employment. 'Their vital role in supplementing, and sometimes substituting for wage earnings is most marked in the rural closer settlements. It is not unusual to find whole families living on the pensions of elderly grandparents — and considering themselves fortunate to have this source of income.'
- On the question of diet, surveys led SPP to the conclusion that the staple diet is noticeably deficient in protein foods and greens. The old woman at Sada ate a fairly typical diet.

In contrast, SPP found that people still living in black spots (prior to removal) eat more protein and vegetables. Daily meat consumption was higher, at one black spot surveyed, than for any of the African areas in the SPP sample and even than at a township outside a white area that has a relatively higher standard of living. 'Consumption of milk, eggs, and greens in these black spots compares favourably with that in the relocation townships as well.'

According to NCAR another 2,4 million people are threatened with removal in the different categories listed earlier. They are as follows:

**We don't have money. We never did really but here we feel it more because we don't plant anything and we therefore have to buy things we never used to buy.**

*(interview at Mahodi, Lebowa)*

|                                     |           |
|-------------------------------------|-----------|
| Farms .....                         | 1 000 000 |
| Black spots and consolidation ..... | 1 044 000 |
| *Urban relocations .....            | (157 000) |
| Informal settlements .....          | 265 000   |
| Group areas .....                   | 37 365    |
| Infrastructural .....               | 42 000    |
| total                               | 2 388 365 |

\* This category is reported to have been suspended but reprieved townships have not yet been gazetted, although listed by the Department of Cooperation and Development, so these figures appear in brackets and are not part of the totals.

So despite the February announcement of the Minister of Cooperation and Development, forced removals have not stopped. (See *Sash* May 1985). Only two categories of removal, viz, black spots and urban relocations, were 'suspended'. In the May issue, Ethel Walt explained how Minister of Cooperation and Development and Education, Gerrit Viljoen is trying to get around this to continue with the removals of Mathopetad and Kwa Ngema. According to NCAR contradictory messages have also been received by residents of black spots in Kwelera, Mooiplaas, Mgwali Eastern Cape and Prospect Farm in Natal.

As for urban relocation, on May 8, 1985 Minister Viljoen issued a list of 52 townships, affecting more than 638 000 residents, who were now no longer threatened with removal. The reprieve of these townships has not solved the residents' problems for there are not enough houses or enough space in the area to accommodate the people currently legally living there. This situation has arisen because development of new houses and renovations was stopped or forbidden when these areas were under threat of removal. Now that removals have been suspended overcrowding from both natural increase and urbanisation means that people will be forced to move to the new locations in bantustans if they want their own houses.

Similarly, no houses were built in the East Rand townships and people were persuaded to move into the houses provided at Ekangala near Bronkhorstspuit. On February 9 Minister Viljoen announced that Ekangala would be incorporated into Kwa Ndebele which is scheduled to take 'independence' in 1986.

Of the categories that have not been reprieved farmworkers are the biggest group — one million more

of them are threatened with removal according to estimates made by C E W Simkins, Dept of Economics, UCT.

NCAR comments 'These are the people at the bottom of the relocation pile. They have no rights to compensation although they may have been on the farms for generations. On eviction, they frequently have to move themselves and find their own shelter in the bantustans because the government does not recognise its role in their relocation. The people have no choice but to move to the bantustans. Influx control prevents them from settling in the cities. They have no right to organise and no possibility of resistance because they are evicted as individuals or small groups.'

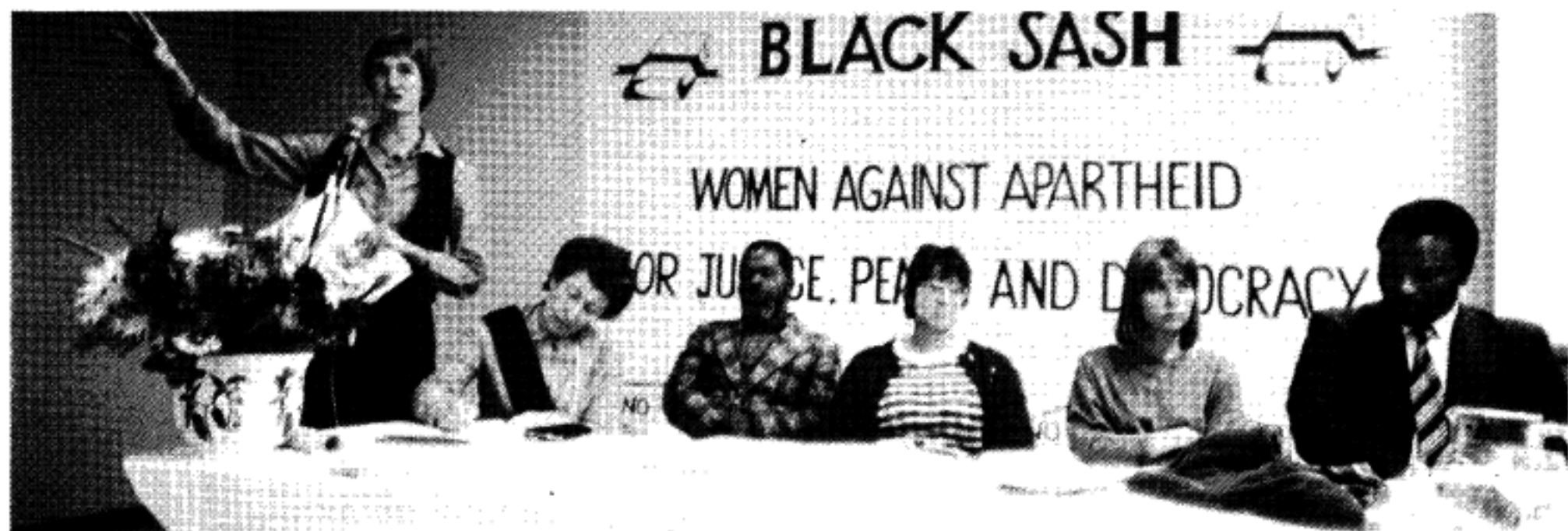
People threatened with removal live under conditions of extreme anxiety. In the words of a TRAC fieldworker — 'The effect on these threatened people is also devastating. They live under conditions of anxiety, tension and indecision — to carry on ploughing, to rethatch a house, all become political questions in the face of a threat that appears to recede from time to time but that always returns to loom larger than ever before.'

#### What are the prospects for relocated and threatened people?

'Even if removals were stopped tomorrow,' comments Laurine 'restructuring those 3,5 million people would require enormous financial and social resources'.

But, a phoenix arises from the ashes, for a TRAC fieldworker comments: 'The turbulence into which the government has thrust so many communities unleashes new responses and new social forces, so that in the very process of the struggle against removal, conditions change irrevocably. Renewed resistance deepens community involvement in such activities as fixing the roads, building schools and clinics for themselves.'

The threat of removal has often turned conservative rural communities into implacable opponents of government policy. The struggle against removal is a fundamentally politicising process of resistance. It mobilises communities, confronts them with the harsh realities of apartheid and elicits the emergence of new leaders. Even if the struggle against removals is won, in itself this experience of struggle leads communities to look at other problems and other issues which need to be taken up, and other forms of community action and development.'



TRAC fieldworkers address a Sash meeting. From left, Marj Brown, Ethel Walt, a Mr Maseko of Driefontein, Joanne Yawitch, Aninka Claassens, Moses Ngema.

photo: Gill de Vlieg

# A case of bad law



## Ann Colvin

**ANN COLVIN** has undertaken to report on the Treason Trial of 16 leaders of the UDF and its affiliates, the Natal Indian Congress (NIC), the Transvaal Indian Congress (TIC), the Release Mandela Committee (RMC) and the SA Allied Workers Union (SAAWU) at Pietermaritzburg's Supreme Court.

In this first article she describes the successful struggle of the judiciary to wrest power from the State in an area which is traditionally determined by the courts, that is, the question of bail. Section 30(1) of the Internal Security Act of 1982 gives the attorney general the power to withhold bail for certain categories of political prisoners.

The protracted legal wrangle over the issue of bail has already silenced and immobilised the 16 leaders of the black community for a period of some ten months. Furthermore, legal opinion offers little hope for a speedy conclusion to this trial, the success of which is crucial for the future legality of extra-parliamentary opposition in South Africa.

The crux of the long-drawn-out dispute over bail was a 'certificate' which the Attorney General in Natal, Mr Imber, handed in to the Magistrate's Court on December 10, 1984. It prevented eight of the accused named on the certificate from being released on bail. Under the Internal Security Act of 1982, a certificate drawn up by the attorney general can be presented to the magistrate to prevent a bail application.

Advocate Ismail Mahomed SC, acting for the accused, challenged the attorney general's arbitrary use of this legal power. But, in spite of the force of his argument, Magistrate Odendaal refused to countenance any reversal of the attorney general's decision in respect of the eight trialists who appeared before him. The defence then referred the matter to a Full Bench on appeal in the Supreme Court in Pietermaritzburg.

The Full Bench, Mr Justice Friedman sitting with Mr Justice Galgut and Mr Justice Booysen on April 24 1985, ruled that the necessary precondition for the issue of a certificate, viz the arrest of the accused 'upon a charge' had not been fulfilled. At the time when Mr Imber issued the certificate no charges against the accused had yet been formulated. They had simply been informed that they were to be charged with 'treason' without any indication as to the acts alleged to constitute treason. The certificate was therefore invalid.

It was a courageous judgement. In it, Mr Justice Friedman had this to say: 'It is a complete anathema that an attorney general should be, in a manner of speaking, a judge in his own cause. He is not an independent officer . . . he does not exercise his powers free of execu-

tive control' (ie, independent of control by the Minister of Justice.)

Before the next hearing for bail reached the courts again, the 16 accused were summoned to appear in the Durban Magistrate's court on April 30. This was the day on which the full indictment was, for the first time, presented in court. Magistrate Blunden presided.

Forty-eight volumes of indictment, stacked in piles, cluttered Prosecutor Gey van Pittius' legal desk!

Opening the afternoon's proceedings, Advocate van Pittius requested that each of the defendants be served with three volumes. The 587 pages of charges in them related mainly to platform speeches allegedly delivered in and around the country dating back to the beginning of 1980.

This attempt by the prosecution to, as Advocate Mahomed put it, 'jump the queue', was transparent and clumsy. Clearly, it was intended to forestall any reference to the Friedman judgement in particular and a pursuance of the whole matter in general.

Magistrate Blunden upheld the defence's argument that the court had first to consider the still outstanding question of bail in the light of Justice Friedman's all-important judgement. He also accepted Advocate Mahomed's plea for urgency in view of the timespan already consumed by prolonged deliberation and the unnecessary stress this had caused.

In accepting the importance of the Friedman judgement, Magistrate Blunden gave the accused the option of having their bail application heard in either the Magistrate's Court or of returning to the Supreme Court for a final decision. Given certain directives by the court and their defence advocate, the trialists unanimously chose to refer the matter back to the Supreme Court.

(Their choice followed a brief adjournment actually granted on behest of Prosecutor van Pittius. After showing signs of physical unsteadiness, he appeared to faint and then collapse. An ironic touch to this minor courtroom drama was the readiness with which Dr Essop Jassat, one of the trialists, emerged swiftly from the dock and offered medical assistance!)

The Supreme Court hearing to settle the question of bail was set down for Friday May 3 before Mr Justice Milne. At stake was not only the personal liberty, in the circumstances, of the 16 trialists involved, but also the traditional independence and impartiality of South Africa's judiciary — an independence into which the law had made such undesirable inroads.

Justice Milne's momentous judgement in helping arrest this erosion will hopefully prove a watershed in the annals of South Africa's judicial history.

From the start, the judge made it clear that since the legislature is free to pass such laws as it deems fit, the courts will, he said, interpret such laws as liberally as possible if they interfere with the court's powers and the individual's right to approach the courts.

The present instance was, he suggested, just such a case in point:

While the attorney general had the legal right to issue a 'certificate' withholding bail, such a certificate would only be declared valid if, as an absolute requisite, the attorney general could satisfy the court that his grounds

for issuing it were good.

And herein lies the distinction that Mr Justice Milne saw as central: the need to satisfy the *court* and *not* that of satisfying only the attorney general himself, on the vague and secretive grounds that are, as the Act states, not 'in the interests of the security of the State and the maintenance of law and order.'

Attorney General Imber, sensing the improbability of succeeding with his bail refusal in the Supreme Court, asked for an adjournment which was granted. He then withdrew the, at that stage, 16 'certificates'.

When the court reconstituted, Advocate Mahomed formally applied for bail on behalf of all 16 accused in the normal way. The defence and the prosecution agreed on a set of conditions for bail. For example, the trialists have to be in a specified residence by 9 pm. They must surrender their passports. They must report to a police station twice daily. They must refrain from any activity in any of the organisations mentioned in the indictment. They are not permitted to attend any gatherings of those organisations. The court accepted these conditions and they were made an order by the judge. As restrictive as the bail conditions are, they at least free the trialists from the harsh conditions of prison life. They also give some recognition to the legal principle that an accused is innocent until proven guilty.

Rather than have the prisoners serve a further two days of incarceration, Mr Justice Milne said he was prepared to remain until all the lengthy negotiations and arrangements for bail were completed. It was a gesture of

understanding and independence not evident in those lesser mortals under 'executive control'.

Then in an unprecedented move by a presiding judge, Mr Justice Milne went on to strongly condemn a law that could so diminish the authority of the courts, and he called for its repeal.

It was, as Advocate Mahomed said, 'bad law', the motivation behind its promulgation being, in the light of Mr Justice Didcott's words, little different from the rationale that he, in criticising a certain Act, described as 'a deliberate and determined strategy to harness and control the courts'.

Finally, at around 10 pm on Friday May 3, the last of the R170 000 bail money was secured — in hard cash. Sixteen exhausted but happy ex-prisoners of state intrigue were released and, for the first time in months, reunited with their long deprived families — victims also of the same 'bad law'.

The trialists all returned to Pietermaritzburg for the next session of their trial on July 11. And then came another very interesting development. Mr Justice Milne, still presiding, of his own accord and in anticipation of objections to be lodged by the defence, raised various problems which he had himself encountered with the charges. He sought clarity as to what the State meant by 'hostile intent' and what is meant when it alleged that the accused intended to overthrow the State 'by means which envisage violence.'

The answers to these questions are of interest to us all. The State is due to answer them at the next session of the trial on August 5.



photo: Gaby Shapiro

**I**n the centre of Simonstown there stands a commemorative cairn bearing the inscription:

*To the memory of generations of our fellow citizens who dwelt here in peace and harmony until removed by edict of 1967.*

*Erected by their fellow citizens*

The minister responsible for that edict was PW Botha. Yet 18 years later on February 22 this year, the town council decided to honour Mr Botha with the Freedom of Simonstown. The occasion was the celebration of the 150th anniversary of the town's existence as a municipality.

A few hours before this insensitive public ceremony, 11 members of the False Bay Black Sash gathered round the monument. The chairman read its inscription aloud. The gathering observed a minute's silence and laid a wreath.

Members of the displaced community now live at Ocean View. They and residents of Simonstown placed flowers around the monument. Their touching comments indicated that this injustice has not been forgotten.

The van in the photograph belongs to the police who observed this small ceremony. It was gratifying that they did not interfere with the proceedings.

**Muriel Crewe**



# License to ?

A comparison of the 1960 and 1985 State of Emergency regulations gives a great deal of insight into the direction of government policy in South Africa.

The 1985 regulations make the 1960 regulations look like child's play. For, on July 20 when the State President announced the new powers, he gave every single officer in his forces — police, railway police, army and prisons — absolute power over anyone that officer may choose to detain, search, raid, or whatever. It is obvious that the people in line to fall under this power are most likely to be opponents of the National Party Government.

Mr GEOFF BUDLENDER, director of the Legal Resources Centre in Johannesburg explained the differences between the two sets of regulations at a meeting arranged by NASAS students on the Wits Campus on July 24.

In 1960 the State of Emergency enactment gave the Government certain powers that it had not had before. These were primarily:

- Detention without trial — At that stage the power to order the detention of a particular person was given, for the first time, to the Minister of Justice, magistrates and commissioned officers of/or above the rank of lieutenant — a fairly senior position.

In the 25 years since then that power has become part of ordinary law and extended in various stages from 14 days to indefinite detention. The current regulations widen this power to include *any* member of the police force and also the army, the railways police and the prisons department.

- Suppression of 'subversive' organisations — In 1960 the Minister of Justice could direct any organisation to 'discontinue' during the State of Emergency. But, in the same year the parliament passed the Unlawful Organisations Act by means of which organisations such as the ANC and PAC were banned.

So this principle is now catered for in the ordinary law of the land and is not necessary for the present set of emergency regulations.

- Prohibition of meetings — Here again the present emergency does not need to cater for the power to ban and disperse gatherings because the ordinary law of the land goes far beyond the 1960 regulations.

So ordinary law already gives the State more power than it had in 1960 to deal with the situation of unrest that occurred after the Sharpeville massacre. Today's regulations include some additional powers. In effect they add the finishing touches, as it were, to absolute power, and secrecy, if necessary.

**Mr Budlender summarised the principal purpose of the new regulations as follows:**

- To widen the network of authorities with the power to detain

- To give the authorities power to suppress information. For instance it is an offence to publish the names of individuals who are detained without the permission of the commissioner of police. The Minister may forbid newspapers printing any information about any particular area, or comment on news about the declaration of emergency or on acts done in terms of the regulations.
- To give the police very wide powers — for example, to close any place, industry and even businesses; to impose curfews; to disperse crowds.
- To provide the State and its officers with protection against legal prosecution by means of an INDEMNITY CLAUSE. No person who for example is assaulted, robbed, tortured in detention or whatever, may bring a case against any officer acting with the power given to him by these regulations.
- To give the State and its officers protection from interdicts. The OUSTER CLAUSE in the current regulations prohibits any person from applying to the courts for an interdict to stay or set aside any of the emergency regulations.
- To provide for press censorship.

In essence the regulations give the police uncontrolled power by excluding public knowledge, the expression of public opinion and the control of the courts.

(At a meeting between the National Press Union and the Commissioner of Police in Johannesburg on July 22, the press were informed that there is a press monitoring group within the police force. It will monitor what newspapers print. If the police are not satisfied with what the press prints, without formal censorship more stringent regulations will come into force.)

As Mr Budlender put it, 'the purpose of the state of emergency is to give the authorities a free hand to do as they wish. It's true there is escalating violence. But the way to control it is not to introduce official lawlessness. The state of emergency will do nothing to stop the crisis in our country.'

**VUKANI MAKHOSIKAZI**  
South African Women Speak

A book which reflects the lives of African working class women under apartheid. The book talks for and about women in their struggle to make ends meet in the face of rising rents and high costs. It tells of their fight for adequate housing, child care facilities, through church groups and township women's organisations. These women fight for a society free from class exploitation and racial and sexual oppression.

Vukani Makhosikazi was written by a Johannesburg-based women's collective. It is the product of many interviews with women keen to tell the stories of their lives. The participants in the collective are Jane Barrett, Aneene Dawber, Barbara Klugman, Ingrid Obery, Jennifer Shindler and Juane Yawitch.

VUKANI MAKHOSIKAZI is available from your local bookshop, or write to:  
Order of Preachers  
P O Box 815 SPRINGS 1560

# Vigilante violence

***During July the government made two announcements about black local authorities (BLA's). Both indicate an admission that community councils are not popular. The first announcement, that councillors will be required to sign codes of conduct, is an admission about corruption. Its effect is a question of fiddling while Rome is burning.***

***The second announcement is about the implementation of a section of the BLA Act of 1983 which gives community councillors the power to employ their own 'law enforcement agencies'. This move is far more sinister and is tantamount, literally and figuratively, to adding fuel to the flames.***

***Events around the country over the last two years, and particularly in Welkom's Thabong township, bear witness to this opinion.***

***Community councillors are not merely unpopular because they are often corrupt. Community councillors as a form of 'self-government' for black urban communities have been virtually rejected. Research findings included in this report show this. They are a cause of unrest. And in Thabong the situation has got even worse; councillors who employ vigilantes for 'protection' have become a catalyst for carnage and brutality. To give them the power to appoint 'law enforcement agencies' is indeed to add fuel to the flames.***

***AUDREY COLEMAN recounted the Sash's experience with the victims of a corrupt and brutal community council set-up in Thabong at the Transvaal Branch's open day on June 7. Her report is combined with supporting material collected from news clippings by the Community Education and Information Research Group (CEI)***

## **A call from Thabong**

“On Wednesday May 29 the Black Sash received a call from a doctor in Thabong. Distraught, he said he had to call on someone from the Black Sash. Why the Black Sash? ‘We were most impressed with the Rhikhoto judgement. And the Black Sash is an organisation that keeps out of trouble’, came the reply!

However . . .

He said that each of Thabong's eight councillors was protected by 12 — 15 vigilantes. The vigilantes are drawn from migrants, thugs in the township and some Zulu people from Natal. At night these councillors and their vigilantes roam the township in vans and combis which, according to the doctor, belong to the Administration Board. (The Sash checked two of the number plates and found this to be true.) These deadly squads find victims whom they flog with sjamboks and kirries and assault with pangas.

The doctor said that he had come to the end of his tether treating people in his surgery. One of his patients had 250 wounds. Many people were so badly injured

that they had to be hospitalised and six of these were critically ill. One person, previously blind in one eye had his other eye damaged and is now totally blind.”

Recourse to normal methods of protection, such as police, had apparently failed. For example, as Sash subsequently discovered, a Thabong family of five were assaulted in their home. Even the youngest member aged four did not escape. Hit on the leg with a sjambok, his shin was broken. The family laid a charge at the police station. They received a notice informing them that the senior public prosecutor declined to prosecute!

But at least this family's case got that far! Many others did not. When they went to lay a charge at the police station they were told that if it was a complaint against “those” people it wouldn't be accepted. One man who was assaulted went to lay a charge and he himself was charged instead — with “throwing a stone at a policeman's combi”. He had to pay R100 bail. When the case was heard he won it but no further action was ever taken on his complaint. 9

So the Black Sash responded by going to Thabong to investigate further. On different occasions Audrey gathered relays of members and, together with a lawyer, went to Welkom. The position was even worse than the doctor described. Audrey related how one boy died as a result of his flogging.

## **Some of the victims**

‘D M was a boy of 17. He and a friend were coming home from the shops when they saw the vigilantes' car. They ran away because they were afraid. D ran into a nearby house and his friend managed to get home. But the vigilantes found D and brought him to his friend's house. The two boys were picked up and taken to a room, ‘no 29’, at the Admin Board offices. D was made to strip and lie face down on a bench. His feet and head were held down while six or seven vigilantes standing on either side of the bench beat him with sjamboks for about 30 minutes. D was then taken to the police station and his friend was taken home.

The next day D's father found D behind the counter at the police station shivering and looking very ill. His clothes were bloody. The following afternoon the police took D to the Provincial Hospital. The family went to see him there and found him under police guard. The father was asked to sign permission for an operation. D died before the operation.”

☆ ☆ ☆

Another boy had a similar experience. He now has epileptic fits which he did not have before . . .

“This young man was asleep at home at 1 am. Two councillors arrived and took him away in a van full of people. They were taken to the Admin building. Told

to undress, he was forced to lie on a bench face down. His head was held down so that he could not see the people on either side of the bench who were beating him.

He and the other people were then taken to the police station. He was told to lie down on a bench in the police station where he then fell asleep.

The next afternoon he was sent to hospital to have his wounds dressed. Taken back to the police station again he was held for two days. He was not given a reason for his imprisonment. On the third day he appeared in court but didn't know the charge. His case was remanded to the end of June.

Sash members saw this young man. He was very ill. His wounds were raw and terribly painful. He has lost control of his bladder. He now has fits that he had never had before."

The situation in Thabong may be extreme but it arises from a set of grievances that emerge here in this way but exist countrywide. The two most significant grievances in this case are the appalling situation in black education and the rejection of community councils as an alternative to full participation of blacks in the system of government.

#### **Opposition to BLAs**

CEI has analysed and documented developments with black local government structures over the years. Here are some of their conclusions:

The history of the Native Representative Councils, the Advisory Boards, the Urban Bantu Councils, the Community Councils and now the Black Local Authorities reveals that apartheid has failed dismally to redirect residents from central political questions to 'own affairs' in toothless dummy structures.

The extent of the opposition to the Black Local Authorities and the remaining Community Councils can be seen from the following statistics:

- \* 150 town and village councillors have resigned nationwide.
- \* In Tumahole, Ratanda, Mankweng, Cradock, Uitenhage, Humansdorp, Alexandria and Despatch, councils have resigned *en masse*.
- \* Out of 34 Black Local Authorities established under the 1983 Black Local Authorities Act, only five are still functioning.

A *Sunday Times* report (June 2 1985) documents the following attacks against councillors from September 1984 to March 1985:

- 109 attacks were made on councillors
- 5 councillors were killed
- 66 councillors houses or businesses were partly or wholly destroyed.

The local authorities are under a state of siege. In addition to these attacks, bottlestores belonging to Boards, policemen and informers have come under attack.

The *Rand Daily Mail* reported that recent events mark a significant departure from what they term the history of boycott politics that have characterised opposition to dummy councils in the past. 'Political forces in the townships . . . have effectively countered the government's co-optive strategy. They have gone beyond the more traditional methods of **non-collaboration** and boycott; they have resorted to direct and drastic actions against the collaborators'. (*RDM* April 24, 85).

The causes of opposition to the BLA's were also documented by ECI (*see page 35*)

The situation in Thabong must be seen against the background described by the extract from the *RDM*. Added to this is the education crisis, with all its causes, which were as bad, if not worse in Thabong.

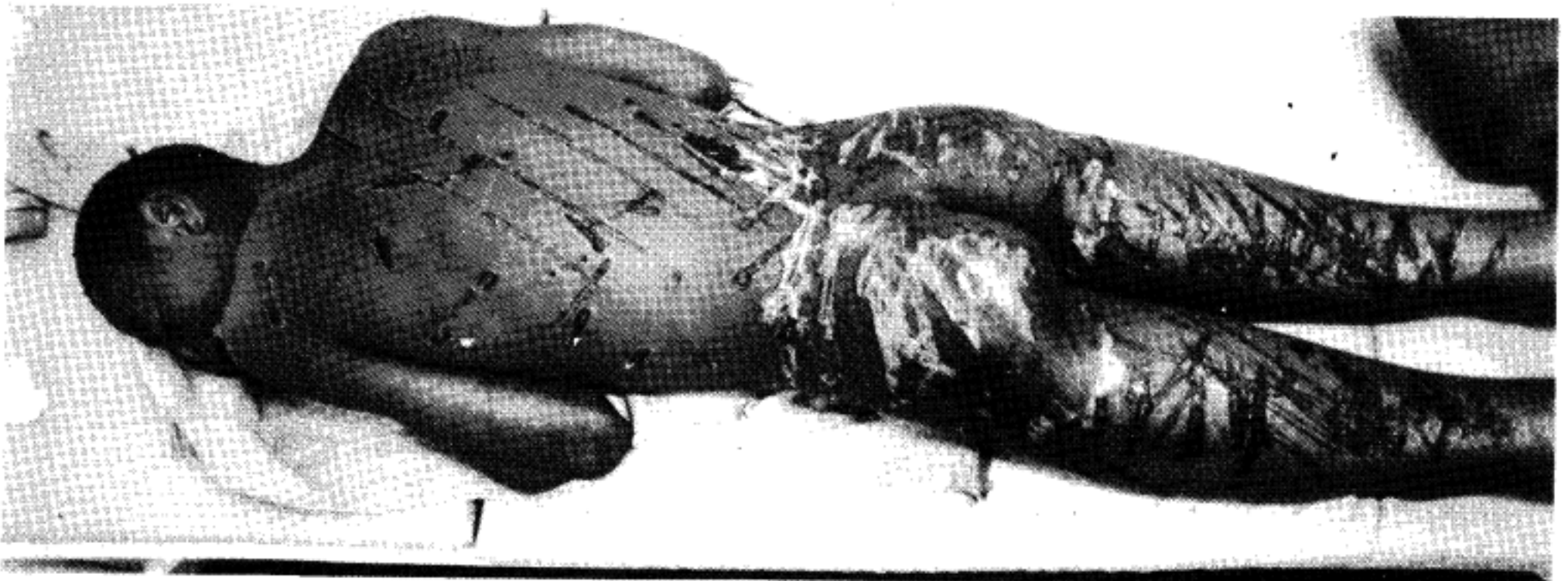
#### **Audrey describes the history that led up to the vigilante situation**

##### **Thabong Township 1983**

As was the case everywhere else, dissatisfaction was brewing in the schools, particularly Teto High School where the headmaster and his white staff appear to have been, and probably still are, a cause of discontent. The students felt that the staff were not qualified to teach. On top of that the headmaster had expelled some 120 pupils.

Students started to boycott classes in protest. They took up the nationwide demands for democratically elected SRC's, the abolition of corporal punishment and an equal education for all South Africans.

During that year too, students carried their protest into the wider political context. They tried to persuade their parents not to vote in the community council elections. Nevertheless, the community council elections proceeded. Community councillors were elected but a



*A victim of the Thabong vigilantes*

*photo: Gill de Vlieg*

low poll was recorded.

The final ingredient to the seething pot of discontent was the November 1984 matric exam results. They were very poor. Many many students failed and pupils felt that the system of marking was corrupt.

"Then came the real riots," explained one resident of Thabong. Unrest spread from school to school.

In January 1985 the parents formed the Thabong Parents Association to try and deal with the situation. They approached the community councillors to meet with them and the DET to resolve some of the problems. A meeting between a representative of the DET, the headmaster of Teto, the councillors and the parents association was arranged for Wednesday February 27. But the meeting never materialised.

On Monday February 25 a child was shot dead by a community councillor — see extracts from his mother's affidavit.

"Children took to the streets", said another resident relating the story. Councillors hired vigilantes for protection and the reign of terror developed from there. 9

### Audrey offers an explanation for the appalling state of affairs

6 It would seem the councillors are determined to keep the community subservient to them. They hope in this way to prevent the community from rising against them and demanding their resignation as has happened in so many parts of the country. In this way they think they can prevent the civic association, COSAS, UDF and other organisations from organising effectively.

'The police appear to have abdicated their responsibility. They do not want to be seen to be the oppressors. Rather have the councillors do that job. The community, however, is united against this brutality. They are starting a petition asking people to sign to call on the councillors to refrain from assaulting people or to resign from the council.

This community has tried to redress their problems peacefully. They have gone to the police to no avail; they have caucussed what to do next; they are organising a petition and have called on the Black Sash. But the Sash cannot solve their problems. We can publicise them. We can assist in getting legal representation but in the end they will have to solve their problems for themselves. 9

### **Results from Black Sash investigations**

Subsequent to the open day report-back on June 7, Audrey explained what developments had taken place as a result of the Black Sash investigations in Thabong.

'By July 4 we were not aware that anyone had been arrested or prosecuted for the assaults that we had publicised. We gathered together some 50 statements made by Thabong residents and presented them to the Attorney General in Bloemfontein. The Divisional Commissioner of Police in the northern Free State declined to attend this meeting. The Attorney General was affected by the photographs of assault victims. He undertook to take up the matter.'

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## Statements

- 1 My name is J M. I am an adult woman, 52 years old and reside at 1730 Thabong.
- 2 At approximately 20h00 on May 1 1985 I was going to my sister's house to ask for her help because my husband was ill. I was at the corner of my street when a white combi drove down the street. There were about eight men in the combi. They all climbed out of the combi armed with sjamboks. Without saying anything to me they began to beat me with the sjamboks. No one else was on the street with me. They beat me on my back and thighs and my left arm. I do not know the men but I knew the combi. I do not know if I would recognise them again. I do not know why they assaulted me.
- 3 I was so badly beaten that I became confused and fell onto the ground. I became unconscious and only regained consciousness at about 04h00 on the following morning. I was bleeding from the sjambok wounds and also from my vagina even though I had been on medical treatment and I had stopped menstruating. I continued to bleed internally for three weeks.
- 4 I managed to get myself back to my house. My husband was very worried about where I had been. He was shocked to see me. At 08h00, my sister took me to the doctor. He is a white doctor called Dr Edelstein. He practices with his partners in Welkom. He gave me an injection and treated my wounds. He asked if I had laid a charge against my assailants — but I told him that I had not been able to as I did not know who they were.
- 5 To this day I have not laid a charge against them. One of Dr Edelstein's partners is my usual doctor.



- 1 I am an adult woman resident at 3957 Thabong Location, Welkom, Orange Free State.
- 2 I am the mother of Teboho Bakopane, a 15-year-old boy. He was born on February 24 1970.
- 3 On February 25 1985 my son Teboho went to see a house in the township that had been burned down. I think the house belonged to a member of some organisation. My son was not involved in the burning of the house and I do not know who started the fire in the house. My son just went there the next day out of curiosity to see the house.
- 4 A crowd had gathered outside the house. While my son was standing amongst the crowd, a white combi arrived. As far as I am aware the combi belongs to one of the community councillors in the township, a Mr Phakathi. Some men got out of the combi. The men were armed with knobkerries and sjamboks. When they began to beat some of the boys amongst the crowd the crowd started to run into a nearby yard. My son hid in the toilet.
- 5 When my son came out of the toilet, he was shot by one of the councillors and died instantly. His



Audrey Coleman takes statements from victims of vigilantes in Thabong

photo: Gill de Vlieg

friends came to tell me and I ran to the scene. The white combi was still there but drove off immediately I arrived. It came back again while I was there and five or six men jumped out and started to beat the young boys again with sjamboks.

6 This incident occurred at the house of Mr

Nkwandla who is also a councillor.

7 The police came when I phoned them from a nearby house. They took my son's body to the police mortuary.

8 I have not laid a charge against anyone. Nobody has been to offer me any explanation or apology.

## Causes of opposition to Black Local Authorities

During the campaign against the BLS's, just after the Act was passed towards the end of 1983, independent civic associations that supported the UDF gave the following reasons for their opposition to the BLA's:

- They were imposed on people without their consent
- They were an attempt to strengthen the policies of separate development and to divide rural and urban people
- The bodies had no power to change conditions in the townships.

Nevertheless, community council elections were held in November 1983. The combined average percentage poll for all adults eligible to vote throughout the country was only 8%. Underterred by this pathetic turnout, the Government went ahead with the appointment of councillors.

Once in power, opposition to councillors increased. Their unpopularity stemmed from the following actions.

- Between March and September 1984, 14 councils announced rent hikes at a time of rapid inflation and rising transport costs.
- High electricity and water bills were a cause of dispute, dissatisfaction and in some cases,

disbelief. For example, in Soweto residents complained that their meters were not read at all. Yet they received high bills which they said did not reflect their actual consumption.

- Councillors often refused to allow community organisations to use halls. In areas like Alexandra and Vaal, church councils that allowed civics to use their halls were threatened with the cancellation of their leases.
- Most councillors voted themselves large salaries, cars, houses and luxury council chambers.
- Many councillors were corrupt. For example, in the Vaal three councillors have been charged with demanding bribes. Others such as Kinikini in Uitenhage, who was subsequently killed, waged a campaign of total terror against residents. For example, residents of Kwanobuhle in Port Elizabeth told a Sash member that Kinikini shot at people, or he threw chemical bombs at them. One of these; which was allegedly thrown by him and intended for a particular youth, landed on a sleeping child and killed him.

# UDF — the State's red herring

Someone must be to blame for all this unrest. It can't possibly be a failure on the part of the National Party Government to meet the needs and aspirations of millions of South Africans. The grievances that those South Africans have are not justified — or so the State would have us believe. It's either 'agitators', or 'communists' and now more recently the 'UDF' amongst others who cause the unrest.

In the last months we have heard President Botha and Minister le Grange accuse the UDF of being the internal wing of the African National Congress and a 'front' for the South African Communist Party.

In this article, BARBARA CREECY puts the case for the UDF.

*The name United Democratic Front sums up the nature of the UDF:*

## \* UNITED

It is an organisation committed to uniting a broad section of South Africans opposed to apartheid. When it was formed the UDF drew attention to the fact that the new Constitution and the Koornhof bills were attempting to create divisions between different racial groups and between different social and economic groups within racial groups.

In particular the constitution was aimed at dividing black people between those who could vote and those who could not participate in the tricameral parliament; between those who had the right to live and work in an urban area and those who did not.

The UDF believed that the new constitution and the Koornhof Bills did not represent an end to apartheid, but rather an attempt to entrench it by dividing the black community. Its declaration stated that the constitution had 'been imposed without genuine consultation with, and active participation by, the people of this country. . . . they make race and ethnicity the only criteria for the right to take part in government.'

For this reason the UDF believed it necessary to unite a broad section of South Africans around the slogan — 'UDF unites, apartheid divides!'

## \* DEMOCRATIC

The UDF is committed to a democratic South Africa, free of apartheid, with a government chosen on the basis of one person one vote in a united South Africa. The UDF rejects the fragmentation of South Africa by the creation of the so-called independent homelands.

## \* FRONT

The UDF is not a political party. It is an alliance of a number of different organisations that have come together in a common front against apartheid and with the common aim of achieving a just and democratic South Africa.

At present the UDF is made up of 600 affiliated organisations joined together in regional structures in the western Cape, eastern Cape, Natal, Transvaal, northern Cape, Border region and Free State. They comprise

political organisations like the Release Mandela Committee, the Natal and Transvaal Indian Congresses, the Anti-Presidents Council Committee and the Johannesburg Democratic Action Committee.

It has a number of trade union affiliates including the Council of Unions of South Africa and the South Africa Allied Workers Union.

Its student affiliates include NUSAS, COSAS, and AZASO. It has numerous youth organisations affiliated to it as well as a number of civic organisations. Civic groups include the Soweto Civic Association led by Dr Motlana, the Huhudi Civic Association that fought the forced removal of Huhudi, and Pebco; and numerous smaller affiliates including the Detainees Support Committee, and DPSC's around the country.

Religious groupings are also affiliated to the Front. The Witwatersrand Council of Churches is one affiliate, Diakonia in Durban another. The Moslem Council is also represented.

These organisations represent a broad spectrum of people which includes residents, women, students, youth and workers. In number, the UDF represents more South Africans than the ruling Nationalist Party.

Each affiliate is bound by the UDF declaration. Affiliates maintain their autonomy and continue with their own programme. They only come together around particular issues.

## Common campaigns

The common campaigns that the Front has fought have been many and varied. A massive campaign took place against the Tricameral elections in 1984 and against the Black Local Authorities elections the year before.

The Front also launched a campaign to collect one million signatures, the aim being to reach out to thousands of people and draw them into the campaign against the Tricameral elections and the Koornhof Bills.

The Front has taken up campaigns against repression in the Ciskei and against detentions generally and of its own leaders for treason.

The UDF supports the campaign to end conscription and it opposes attempts to conscript coloureds and Indians. It also supported the struggles against forced removals from Crossroads to Kyalitsha, in Huhudi, Driefontein, Mogopa and Leandra.

Presently the UDF is campaigning against the New Zealand rugby tour.

## Allegations of violence

There have been numerous allegations that the UDF has promoted violence in the townships.

From its inception, UDF has made it clear that it is committed to a non-violent struggle against apartheid. The tactics that the UDF has used to fight its campaigns have been those of passive resistance. It places the responsibility for the violence squarely on the shoulders of the South African government. At the UDF hosted celebration of Bishop Tutu's Nobel Peace Prize, the UDF slogan noted 'Our struggle for freedom and justice is a struggle for peace'.



photo: Gill de Vlieg

**I**n the middle of all the conflict and unrest, the End Conscription Campaign had a PEACE FESTIVAL entitled 'STOP THE CALL-UP'. It focussed attention on the growing militarisation of our society, the role of the SADF inside and outside South Africa and the compulsory conscription of young white men into this army.

It was a festival of song, drama, serious questioning and discussion. Above all, it was a festival of hope. 'The State President' said ECC national organiser, Laurie Nathan, 'has said that if you want peace, prepare for war. We in the ECC believe that if you want peace, work for justice. This festival is a statement of our commitment and a celebration of our hope for a just peace in our land.'

The peace festival, attended by 2 000 people from all over the country, was supported by groupings concerned with peace throughout the world.

Clare ver Beek

In the photograph, students from the Students Union for Christian Action perform the play, 'Minutes of silence'.

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Production editor: Joyce Brown



photo: Gill de Vlieg

*Bishop Tutu, Anglican Bishop of Johannesburg at a funeral in Kwa Thema, July 23 1985*

**To his people:** 'I say to you that I condemn in the strongest possible terms what happened in Duduza on Saturday.' (A suspected police informer was burnt alive).

'I deplore all forms of violence . . . Our cause is just and noble — that is why it will prevail and bring victory to us. You cannot use methods to attain the goal of liberation that our enemy will use against us.'

**To the Government:** (At a funeral in Tumahole, August 1 1985, he referred to the curbs on funerals of unrest victims in areas affected by the State of Emergency regulations)

'Where else can we speak with our people if not during our funerals, because we do not have representation in your Government.'