

## **The political imprisonment and detention of non-South African citizens under apartheid 1962-1991.**

**Ngqabutho Madida**

### **Abstract.**

This paper examines the imprisonment and detention of foreign nationals, in South Africa, for alleged 'crimes' committed during the apartheid era in the period between 1962 and 1991. These were people from African states and Europe, whose fight against apartheid landed them in South African prisons. Some were arrested, detained and released, while others were tried and sentenced or deported. This paper argues that whilst existing literature has contributed to our understanding of the imprisonment of South African political activists, not much attention has been given to non South African citizens with similar experiences.

As will be demonstrated in this paper, stories of foreign political prisoners do not feature much in the existing literature on the struggle for liberation. However, primary sources examined show that although the number of foreign political prisoners was far less, they were scattered in different prisons across the country over different periods. The analysis in several secondary sources focuses on the impact of apartheid on non South African citizens in terms of cross border raids that killed foreign nationals in their countries. Individual stories of those who were imprisoned in the country are overshadowed by a blanket acknowledgment of the role that a particular country or countries played in hosting people in exile. It is in this maze that the individual stories of non South African political prisoners and detainees have perhaps fallen by the wayside.

This paper covers the period from 1962 to 1991. The 1960s were significant because of the widespread political activity in the country. In 1960, there was the Sharpeville Massacre, which precipitated the banning of the African National Congress (ANC), the Pan Africanist Congress (PAC), the South African Communist Party (SACP) and other political organisations that the government considered hostile to its policy of apartheid. This was also when, in 1961, the country witnessed the formation of uMkhonto weSizwe

(MK), the armed wing of the ANC and Poqo, the armed wing of the PAC, signifying the launch of the armed struggle.

The same period also witnessed the enactment of security legislation that became the bedrock of political imprisonment for years to come. For instance, the Unlawful Organisations Act in 1960, the General Amendment Act in 1962 and the Terrorism Act in 1967 were amongst some of the security laws enacted during this period. Consequently, it was during this period that there was a sharp increase in political detention and imprisonment.<sup>1</sup> From the early 1960s, right up to the late 1980s, each decade produced its own wave of political prisoners in relation to the peak or lull of political activity in the country. Some of those imprisoned were non-South African citizens.

For the purposes of this paper, the term 'political prisoner' will be used to refer to formally sentenced prisoners, that is, those political activists or those suspected of aiding anti-apartheid activities who were arrested, detained, charged and sentenced to a prison term. 'Political detainee' will be used to refer to those who were held for a specified or unspecified period without being charged.<sup>2</sup> For instance, political activists could be held under the 90 days and 180 days detention legislation or both, without being charged. In the period between January 1976 and September 1977, of the 566 detainees released without being charged, 96 had been detained for more than a year.<sup>3</sup> Since the Minister of Justice was not obliged to reveal the places where detainees were held, people could be held in secret for even longer periods without access to family members, a lawyer or even diplomatic representatives if they were non-citizens.

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<sup>1</sup> Noel Solani and Nieftagodien Noor in *The Road to Democracy in South Africa*, Vol 1, 1960-1970. *Political imprisonment and resistance in South Africa: The Case of Robben Island 1960-1970*

<sup>2</sup> These terms are problematic in that there are political activists who spent more time in jail cells than some sentenced political prisoners. They have been loosely used to assist in distinguishing between formally sentenced prisoners and those detained.

<sup>3</sup> Political Imprisonment in South Africa. An Amnesty International Report, London, (1978) p.39.

It is undeniably evident that one of the pillars of apartheid was its racist laws that sought to create a social order based on racial superiority with White people occupying the top and Black people, the bottom of the social order. Those who refused to accept this ordering of society and actively challenged it were seen as a threat to the status quo, constantly harassed by the state security institutions, detained or imprisoned. First, the struggle was executed internally, largely but not exclusively by Black South Africans; through anti pass campaigns, protests, strikes and the armed struggle. As the apartheid government squeezed out the arena for protests in the late 1950s, and the space for liberation movements to wage successful resistance internally in early 1960s, they were forced to set up transit points and bases outside the country. This was to facilitate the movement of those who skipped the country to join the armed struggle and undergo military training. Once outside the country, the ANC and PAC set up offices to mobilise international support against apartheid.

For instance, the ANC set up offices in London and was intimately involved in the formation of the Anti-Apartheid Movement (AAM) in Britain as well as working actively with those individuals in other parts of Europe that supported its cause. Inevitably, non South African citizens who were sympathetic to their cause got involved in the struggle against apartheid at different levels. Some provided moral and financial support while others became active within the structures of the ANC and other anti-apartheid organisations.

The impact of apartheid on non-citizens was twofold. Firstly, there were those who suffered while they were in their respective countries because of cross border raids carried out by the South African government. Citizens of those countries that shared their borders with South Africa (for instance Lesotho, Botswana, Swaziland and Mozambique) and beyond (e.g. Zambia, Tanzania) became casualties of bombings and abductions conducted by the South Africa Defence Force (SADF). According to the *Truth and Reconciliation Report*, "The counter insurgency thinking of the South African government introduced a regional dimension to gross violations of humans as victims

were increasingly non South Africans.”<sup>4</sup> The use of neighbouring states as transit points or routes by the ANC and PAC cadres to carry out the struggle was viewed as a threat by the Apartheid government. For instance, the 1981 Matola raid in Mozambique killed 16 ANC guerrillas and a Portuguese national, the Maseru raid in 1982, killed 42 people most of them Lesotho nationals and the 1985 bombing in Gaborone killed 12 people. Four of those killed in the raid were non South African citizens.<sup>5</sup>

The apartheid government extended its tentacles of state terrorism out of the African continent to Europe where the liberation movements had set up their offices. These were used as bases for organising international support against apartheid and to facilitate the movement of cadres from South Africa to overseas. For instance, organisations such as the AAM provided an international platform for those who had fled persecution by the State. It supported the struggle in South Africa by funding, organizing secret visits of activists and garnering international public opinion to speak out against apartheid.<sup>6</sup> It is not surprising therefore, that those European countries that provided support for the struggle also were not spared the clandestine operations of the South African government. In targeting political activists in these countries, the apartheid government posed a danger to the security of its citizens. A case in point is the bombing of the ANC Headquarters in London in 1982. Although no one was killed, its execution showed the extent to which the apartheid government showed no respect for regional and territorial boundaries in pursuing political activists. In his amnesty application to the TRC for the bombing, Craig Williamson, an Apartheid government policeman stated that the bombing “...was a warning that the war in South Africa could

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<sup>4</sup> Truth and Reconciliation Report, Vol. 2, Cape Town, (1998) p.8 (*Henceforth TRC Report*)

<sup>5</sup> <http://ubh.tripod.com/news/trc01.htm> Accessed 07 June 2009 (Report on TRC Hearings)

<sup>6</sup> Roger Fieldhouse, Anti-apartheid :a history of the movement in Britain : a study in pressure group politics, London : Merlin, (2005). Denis Herbstein, White Lies : Canon Collins and the secret war against apartheid, Oxford, (2004) The Anti-Apartheid Movement :a 40-year perspective : South Africa House, London, 25-26 June 1999, London : Anti-Apartheid Movement Archives Committee, (2000).

spill over into the streets of London.”<sup>7</sup> This blatant aggression is summed by the TRC Report, which pointed out “Violations committed by South African security forces or their agents and surrogates was not just limited to regional states, but it also extended as far as Western Europe, in the United Kingdom, France, Belgium, Netherlands and Scandinavia.”<sup>8</sup> Therefore, citizens of neighbouring African states and Europe, directly and indirectly, experienced the impact of apartheid as the Apartheid government attempted to thwart the liberation movements’ efforts to effectively mobilise and fight apartheid.

Secondly, there were those non South African citizens who left their respective countries and became actively involved in political activity within the country’s borders. Their direct or indirect involvement in the struggle against apartheid made them targets of state repression. Consequently, they were arrested, detained, imprisoned, deported or in other cases they disappeared.<sup>9</sup> Some came from neighbouring countries such as Lesotho, Swaziland and Botswana, and others came from as far as Europe for example France and Belgium. Mac Maharaj points out that in infiltrating the country they used people of foreign nationalities called “sleepers” to avoid detection. They were asked to book hotel rooms, which they did not use. Those rooms were then occupied and used by the ANC’s underground network to plan operations inside the country. The use of people whose country of origin was not South Africa meant that they appeared less suspicious and the state was not even aware that they were being used as a cover for anti-apartheid activities.<sup>10</sup> Connie Braam, a member of the Dutch Anti- Apartheid

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<sup>7</sup> South African Press Association (SAPA)

<http://www.doj.gov.za/trc/media/1998/9809/s980911c.htm> Accessed: 12 May 2008

<sup>8</sup> TRC Report, Vol. 2, p.42.

<sup>9</sup> The TRC highlighted the disappearance of four Zimbabwean citizens who were arrested and detained by the Security Branch or the South African Police (SAP) in the late 1970s. At the time of their disappearance, December Ncube, Mr Mncedisi Helper Nkiwane, Mac Makathini Ncube and Mr Gideon Ncube were believed to be members or supporters of ZAPU who were working in South Africa at the time. See TRC Report, Vol 6, p. 521.

<sup>10</sup> Pdraig O’Malley, Shades of Difference, Mac Maharaj and the Struggle for South Africa, New York, (2007), p. 255-256.

Movement also related how people were disguised in various ways to enable them to infiltrate the country without detection during the ANC's Operation Vula.<sup>11</sup>

Thus the major question that needs to be asked is, to what extent do works that deal with the struggle against apartheid and political imprisonment address the subject of the incarceration of non South Africans? Does this literature acknowledge that there were non South African citizens in detention or serving prison terms in the country for political offences?, or are foreign political prisoners just shadows in the historical accounts of the struggle? As will be demonstrated, while the available literature is useful in providing flesh and context on the subject of political imprisonment, it pays little attention to the contribution made by non-South African political prisoners in the struggle against Apartheid. This is the case even in the biographies written by former political prisoners. Yet, there is evidence that foreign nationalities aided the struggle against apartheid and ended up serving prison sentences in South Africa.

Perhaps one of the most comprehensive works on political imprisonment in South Africa is that of Fran Buntman.<sup>12</sup> In her work, she deals extensively with political prisoner resistance on Robben Island focusing on strategies of resistance, generation conflicts among prisoners and theorising resistance. Her analysis is based largely on oral interviews that she conducted with several former Robben Island political prisoners across organisations and generations.<sup>13</sup> Despite the presence of several Namibian political prisoners on the Island, Buntman states that their story was not the focus of her work.<sup>14</sup> Therefore, the resistance she analysed was limited to South African political prisoners. The issue of how Namibian political prisoners carried out their struggle on the Island was not addressed by Noel Solani's work either, which has also focused on

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\* It is this particular group of political prisoners and detainees that is of interest to this paper.

<sup>11</sup> Conny Braam, *Operation Vula* Bellevue, (2004).

<sup>12</sup> Fran Buntman, *Robben Island and Prisoner Resistance to Apartheid*, Cambridge, (2000).

<sup>13</sup> See The Barbara & John Buntman Collection of Interviews at Robben Island-UWC Mayibuye Archives.

<sup>14</sup> Buntman, p.40. See footnote 39, where this acknowledgement is made.

resistance of political prisoners on Robben Island.<sup>15</sup> Questions about what it meant for Namibians to be imprisoned in South Africa and how they coped were not addressed. Did SWAPO have the same level of organization as the ANC and PAC on Robben Island? In view of the fact that Namibians were isolated from the rest of the prisoners, were they accountable to any structures organized by South African prisoners or did they establish their own? While Buntman and Solani's work are important in the overall understanding of prisoner resistance on the Island and in South Africa in general, their silence on the Namibian story leaves a dearth on the incarceration of foreign citizens in South Africa.

Florence Bernault who has also done work on the history of prison and confinement in Africa argues that, 'one of the major features of the penal and spatial confinement in South Africa was the spectacular rise of political detention in the twentieth century which was paralleled by extraordinary prisoner's resistance to apartheid'.<sup>16</sup> The focus of Bernault's work and other contributing authors is imprisonment in general across African countries and not political imprisonment per se. Her work together with those of contributing authors examines the use of prison or confinement during the slave trade, by colonial governments and after the Rwandan genocide in 1994.

The work of Turok foregrounds the contribution made by women detainees and political prisoners in the struggle against apartheid.<sup>17</sup> The clustering of women political prisoners and detainees experiences into 1960s, 1970s and 1980s shows the involvement of women in the struggle across three major periods of political upheaval in South Africa. Undoubtedly the tightening of security legislation from the mid to the late 60s laid a

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<sup>15</sup> Noel Solani and Nieftagodien Noor in *The Road to Democracy in South Africa*, Vol 1, 1960-1970. *Political imprisonment and resistance in South Africa: The Case of Robben Island 1960-1970*.

<sup>16</sup> F. Bernault, *A History of Prison and Confinement in Africa*, *Social History of Africa*, Portsmouth, (2003) p.10.

<sup>17</sup> M. Turok, Women political prisoners, Taking her place in the battle front of the Struggle: Women in detention in South Africa. (*Paper at Malibongwe Conference held in Amsterdam, from 13<sup>th</sup> to 18<sup>th</sup> January 1990.*)

foundation for several detentions of women and children in the wake of the 1976 Soweto uprising. Their number shot up during the state of emergency in the mid to late 1980s. Turok's work aimed at exposing poor prison conditions under which women were kept by the apartheid government. Thus, her analysis does not reflect the dynamics of the prison population among women.

Barbara Schreiner complements Turok's work in that she has also put together brief writings of women who were either imprisoned or detained under apartheid.<sup>18</sup> Her contribution is invaluable in that it attempts to allow the female political prisoners and detainees voices come through in the written script. What is worth noting about Schreiner's work is that she interviewed Helen Pastoors, a Dutch-Belgian citizen imprisoned in South Africa in 1986 for political reasons.<sup>19</sup> In the contribution made by Pastoors in the book, there is little about her political involvement that led to her arrest, or what it meant to be a non South African citizen imprisoned in South Africa. At the end of the book, Schreiner gives brief biographies of each of the women contributors but unfortunately, Helen Pastoors' brief biography is missing.<sup>20</sup>

Autobiographical works written by political prisoners both male and female provide an important window of understanding not just about prison life and conditions, but also about relationships amongst prisoners and between prisoners and warders. Paul Gready argues that political prisoners wrote autobiographies 'to restore sense of self and world, reclaim the truth from the apartheid lie to seek empowerment... by writing against the

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<sup>18</sup> Barbara Schreiner, A Snake with ice water: Collection of prison writings by South African Women, Johannesburg, 1992.

<sup>19</sup> Schreiner, p 287. See also Case 22/86, State vs Helen Pastoors, Supreme Court of South Africa, Witwatersrand Local Division.

<sup>20</sup> Schreiner, pp 272-277. Schreiner acknowledges that some women have preferred to remain anonymous in their contribution, a position that she respects. It unclear whether Helen Pastoors whose name appears in the book, but with her biography is missing at end, preferred that her biography be excluded.

official text of imprisonment.<sup>21</sup> If the writing of autobiographies under apartheid was a way to regain control of their lives, as Gready suggests, what about the post-apartheid emergence of autobiographies by political prisoners and detainees? Is it perhaps that this oppositional writing in the post Apartheid era constitutes a refusal to go down in history written by the official text, a refusal to let the official text of the apartheid era have the final say? Others like Schalkwyk have been more critical of political prisoners' biographies, arguing that they elevate the communal sense of imprisonment at the expense of the individual experience. He further argues that there is reluctance by political prisoners to talk about internal conflicts amongst themselves in prison. For example he argues that the use of "We.." by Nelson Mandela in recounting his prison experiences amounted to the rhetoric which was a balancing act of national building,<sup>22</sup> while Makhoere's use of the expression 'the people' was influenced by the Freedom Charter, part of which is quoted at the beginning of her biography.<sup>23</sup> Despite their shortcomings, these biographies are still an important source of understanding political imprisonment.

Several autobiographies written by women of various racial groups about their experience of detention or imprisonment have added credence to the contribution made by women in the fight against apartheid. For instance, the experiences of Fatima Meer a female political detainee who spent 113 days in detention at Old Fort Prison in Johannesburg around 1976 and 1977 are detailed in her *Prison Diary*. She kept it during her detention and in it, she recorded routine and more importantly, her relationship with other female political detainees and warders.<sup>24</sup> Also detained around the same

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<sup>21</sup> Paul Gready, *Autobiography and the power of writing: Political prison writing in the apartheid era*. *Journal of Southern African Studies*, Vol 19, Number 1, (1993) p.489. For a review of some prison writings including those of Robben Island see also C J Driver, *The View from Makana Island, Some books from South Africa*. *Journal of Southern African Studies* Vol 2, Number 1, (1975), p.102-119.

<sup>22</sup> David Schalkwyk, *Writing from Prison* in *Senses of Culture South African Studies*, Oxford, 2000, p.283.

<sup>23</sup> Schalkwyk, p.287.

<sup>24</sup> Fatima Meer, *Prison Diary, One hundred and thirteen days 1976*, Cape Town, 2001

period in the same prison was Ellen Khuzwayo. She was detained at the age of 63 for five months under Section 10 of the Terrorism Act and she recounts her experiences in her biography, *Call me Woman*.<sup>25</sup> Emma Mashinini, a trade unionist who was detained for five months at Pretoria Central initially for fourteen days that was later extended to an indefinite period under Section 6 of the Terrorism Act recounted her story as well.<sup>26</sup> Since there was a racial separation of prisoners under apartheid, biographies written by black and white political prisoners are useful in drawing a comparative study in prison conditions that housed these two racial groups.\* For instance, Caesarina Kona Makhoere's biography about her experiences in Kroonstad prison could be used draw comparisons with Jean Middleton's experiences in Barberton prison.<sup>27</sup> This body of prison literature by women detainees and political prisoners stamps their mark in the pages of history about their role in the struggle and the eventual demise of apartheid.

The above-mentioned biographies are useful in highlighting the brutality of the apartheid government against female political activists both outside and inside prison, and in identifying some of the political prisoners imprisoned in the same prison. However, they are less useful in indicating if there were any non South African female political prisoners or detainees. Yet, there is evidence that there were non South African female political prisoners who were either detained, imprisoned or faced the threat of deportation as a result of their political activities in South Africa. Undoubtedly, the

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Schreiner, B. (ed). (1992). *A Snake with Ice Water: Prison writings* by South African women. Johannesburg, South Africa: Published by the Congress of South African Writers.

<sup>25</sup> Khuzwayo Ellen, *Call me a Woman*, Johannesburg, 1985.

<sup>26</sup> Emma Mashinini, *Strikes have followed me all my Life*, London, 1989.

\* Under the policy of the apartheid government black and white political prisoners were separated. For instance Robben Island housed only black male political prisoners while Pretoria Central was for white political prisoners. The same rule applied to females, Kroonstad prison housed mainly black political prisoners while Barberton prison housed white female political prisoners.

<sup>27</sup> See Caesarina Kona Machete, *No Childs Play, In Prison under Apartheid*, London 1988. Jean Middleton, *Convictions, A woman political prisoner remembers*, Johannesburg, 1998.

strain of imprisonment or detention of foreign women political activists was worsened by the fact that they were in a foreign country.

### **Cases of women non South African political prisoners**

#### **Helene Pastoors**

Helen Pastoors a Dutch and Belgian citizen is an example of a non South African political prisoner who spent some time in jail for her involvement against Apartheid. She worked closely underground with members of MK, the armed wing of the ANC, for instance with Ibrahim Ismail Ibrahim as part of Operation Vula. On 12 August 1981, she, together with Klaas de Jonge, was part of a team that carried out the initial reconnaissance on the Voortrekkerhoogte command base of the South African Defence Force (SADF) on behalf of the ANC.<sup>28</sup> The base was subsequently bombed on that same date. Pastoors also enabled MK to smuggle weapons into the country using possibly a diplomatic bag and setting up an arms cache at Halfway House in Johannesburg.<sup>29</sup>

After this operation, she continued to evade arrest while moving in and out of the country. She was arrested in 1986 and detained for eight weeks before she was charged.<sup>30</sup> During this period, the Belgian government protested, without success, to the South African government about her detention without trial. On 1 March 1986, she was charged with terrorism and treason for assisting the ANC.<sup>31</sup> Pastoors was subsequently found guilty and sentenced to 10 years in prison on 19 May 1986. She was sent to serve her sentence at Kroonstad Prison. After serving three years, she was released in May 1989. She was compelled to sign an undertaking that she would not

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<sup>28</sup> <http://www.justice.gov.za/trc/decisions/2001/ac21003.htm> [ Accessed 20 August 2011]

<sup>29</sup> O Malley Interview with Mo Shaik,  
<http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=145949&sn=Detail>

<sup>30</sup> *New York Times*, 01 March 1986

<sup>31</sup> Schreiner, p 287. See also National Archives Repository -Pretoria, Case 22/86, State vs Helen Pastoors, Supreme Court of South Africa, Witwatersrand Local Division.

return to Southern Africa or participate in violent activities directed against South Africa. She left the country for Brussels.

Apart from the case of Helen Pastoors, there was the case in 1971 of an unnamed woman from Botswana who was illegally detained by the government so that she could testify in a trial involving her husband.<sup>32</sup> In 1973, William Hosey's wife who was pregnant at the time was arrested and detained under the Terrorism Act for three months before she was deported to France.<sup>33</sup> Hosey was also a non South African citizen who was detained by authorities for his political activism.

Also in 1973 there were also two Namibian women Anna Nghihondjwa and Ravna Nambinga who spent six months in Kroonstad prison awaiting the outcome of their appeal in Pretoria against their sentence after they were charged with Terrorism.<sup>34</sup> The *Sunday Express* also carried the story on statement issued by the government that it had notified Elizabeth Patricia Murray a Zimbabwean citizen who was in detention that she would be deported on her release.<sup>35</sup>

### **Cases of non- South Africa male political prisoners**

Biographies and autobiographies written by male South African political prisoners themselves shed light, on, not only prison life, conditions and resistance to apartheid within the prison walls. For instance, numerous biographies by ex-Robben Island political prisoners have emerged in recent years.<sup>36</sup> There are also biographies of political

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<sup>32</sup> Southern Africa, *Inside Africa*, 8 September 1971.

<sup>33</sup> London Guardian 13 March 1973. See also the Johannesburg Star 17 March 1973.

<sup>34</sup> Kroonstad Prison Archive, G 346 Admission Prison Register, 1975-1976, p.163.

<sup>35</sup> Sunday Express, 13 July 1984.

<sup>36</sup> Indres Naidoo's *Island in Chains*, Maharaj M *Reflections in Prison*, Daniels, E. *There and Back: Robben Island, 1964-1979* (Mayibuye Books, Cape Town:, 1998). Dlamini, M. *Hell-hole Robben Island* (Trenton: Africa World Press, 1984). Kathrada, A. *Letters from Robben Island: a selection of Ahmed Kathrada's prison correspondence, 1964 - 1989* (Mayibuye Books, Cape Town: 1999). Nattoo Babenia, *Memoirs of a Saboteur: Reflections on my Political Activity in India and South Africa* (Mayibuye Books, Cape Town:, 1995).

prisoners who served in other prisons as well. For instance, Tim Jenkins's *Escape from Pretoria*<sup>37</sup> sheds light on his experiences of prison as a White male political prisoner and how he and two friends, fellow prisoners, outmanoeuvred the Pretoria Maximum Security Prison system and escaped into exile.

Apart from biographical works written by South African political prisoners, there are also those that were written by non-citizens who served their sentences in South Africa. For example, Michael Dingake, a Botswana citizen and an ANC member chronicled his experiences in his biography entitled *My Fight against Apartheid*.<sup>38</sup> The book explores his dramatic arrest and then detention in a foreign country, Zimbabwe, (then Rhodesia), and his deportation to South Africa, trial in Pretoria and his imprisonment on Robben Island where he served his year sentence. This was despite his protest that his detention was illegal since he was not a South African citizen. Another anecdote that Dingake points out, in passing, is the imprisonment of a Zimbabwe People's Revolutionary Army (ZIPRA) cadre captured in the Wankie clashes who was held at Pretoria Central prison. Although Dingake attempted to establish communication with him, he failed.<sup>39</sup> The shared experience of being a political prisoner in a foreign country perhaps struck chords of sympathy in him for the ZIPRA cadre who was also imprisoned in a country that was not his own. What is useful about this biography is that it gives glimpses of a foreign citizen's perspective of imprisonment under apartheid.

Apart from the cases of non South African political prisoners referred to above, there was also a group of political prisoners brought in from Namibia, in a blatant act of injustice by arresting Namibians in their own country and having their trial in a foreign country. In cynical misapplication of justice, Apartheid legislation crafted in South Africa was retroactively used to convict and imprison Namibians. The Terrorism Act of 1967

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<sup>37</sup> Jenkin Tim, *Inside Out- Escape From Pretoria Prison*, See also Focus no 26 Jan –Feb 1980.

<sup>38</sup> Dingake M, *My Fight Against Apartheid* (London, 1987). See also Mail and Guardian online 25 May 2008.

<sup>39</sup> Dingake, p. 151.

that built on clauses of the Sabotage Act was used to arrest and detain members of the South West African People's Organisation (SWAPO) and one member of South West Africa National Union (SWANU) in Namibia.<sup>40</sup> In 1968, twenty liberation fighters mainly SWAPO guerrillas and a SWANU member were tried in Pretoria and sentenced to lengthy sentences on Robben Island. Helao Shityuwete, was one of those who charged under this law and served his sentence alongside his comrades on Robben Island. In his biography *Never Follow the Wolf*,<sup>41</sup> he sheds light on the pains of imprisonment in a foreign country. During their trial one of the accused Andimba Toivo ya Toivo the Secretary General of SWAPO declared, "We are Namibians and not South Africans. We do not and will not in the future recognise your right to govern us, to make laws for us in which we have no say...We have always regarded South Africa as an intruder in our country."<sup>42</sup>

The detention continued into the 70s, for instance on 28 February 1971 the Anglican Church Dean, based in Johannesburg, the Reverend GA Ffench-Beytagh, a British citizen, was arrested and charged under the Suppression for Communism Act.<sup>43</sup> In April 1972, Quentin Jacobsen, a British, citizen spent one hundred and forty days in solitary confinement and only consular officials were allowed to visit him. That same year in November, six men appeared in the Pretoria Magistrates Court facing charges under the Terrorism Act. Two of them were non South Africa citizens, A Moumbaris, identified as an Australian citizen and J W Hosey, identified as an Irish citizen.<sup>44</sup> In 1976, two British citizens Mr and Mrs Rabkin were both charged under the Terrorism Act and the Internal Security Act.<sup>45</sup>

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<sup>40</sup> Madeline Fullard, State Repression in the 1960s in *The Road to Democracy*, pp.341- 347.

<sup>41</sup> Helao Shityuwete, *Never follow the Wolf The Autobiography of a Namibian Freedom Fighter*, London.

<sup>42</sup> Shityuwete, p.174.

<sup>43</sup> South African Institute for Race Relations, *A Survey of Race Relations in South Africa*, 1972, p.87-89. (Henceforth S.A.I.R.R)

<sup>44</sup> SAIRR, 1972, p.103-105.

<sup>45</sup> SAIRR, 1976, p. 138-139

In October 1979, *Focus*, a publication by IDAF carried a story of a complaint raised by the Botswana government that a number of its citizens had been detained by the South African Security Police. Those held were questioned on activities of South African student refugees in Botswana. In addition the Botswana government also named four of its citizens detained in South Africa in 1977 and complained that the detainees had not been heard of since their detention.<sup>46</sup> Although the reports about detained and imprisoned foreigners appear as brief accounts, they provide traces, which highlight that there were non-South African political detainees.

There were also a few isolated cases of death in detention of non South African political detainees. For instance, in 1968, the SAIRR reported the death of a Lesotho national, James Thabiso Lenkoe, who had been held under the 180-day detention law in police custody.<sup>47</sup> The police claimed that he committed suicide by hanging himself with his own belt although there was clear evidence from autopsy results that electrical torture had been used during his detention.

### **The cases of Patrick Chamusso, Klaas de Jonge and Pieree Albertini,**

#### **Patrick Roggerio Chamusso.**

Another case of a foreign national who spent a decade on Robben Island was Patrick Rogerio Chamusso from Mozambique. He came to South Africa as a young person following his father. On 31 May 1980, MK successfully bombed the Sasol oil refinery at Secunda and other installations. No people were killed or injured in the operation. In June 1980, Chamusso was arrested as he was suspected of assisting MK operatives gain

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<sup>46</sup> *Focus*, 24 Sept-Oct 1979, p.5. The Rhodesian government also emulated their South African counterparts by abducting Botswana citizens they suspected of collaborating with liberation fighters. In December 1976 two Botswana citizens were abducted by Rhodesian forces and charged under the Law and Order maintenance Act regardless of the fact that there was no proof that they had entered Rhodesian territory. The Court president issued a statement that is certainly applicable to trying people of foreign origin. "To allow states not at war with each other to willy-nilly invade each other's territory and capture each other's nationals and then to bring them to trial against their will does not seem to me to be conducive to the preservation of peace." *Focus No 11*, 10 May 1977, p.7.

<sup>47</sup> S.A.I.R.R, 1969, p. 68

access to the plant. During his detention, he was tortured but later released without being charged. This infuriated him and he subsequently went left the country and went to Mozambique to join the ANC for military training. Upon arrival he was detained by the ANC while he was being screened to ascertain whether he was not an apartheid security informer. After he was cleared, he was sent for military training in Angola before returning to Mozambique. He was then assigned to carry out sabotage in South Africa by blowing up the Secunda plant once as he had inside knowledge of its workings.

On 21 October 1981 a landmine planted by Chamusso went off at the plant. Chamusso was arrested on 27 October and detained for nine months without trial. In August 1982, he was tried at the Pretoria Supreme Court and convicted on three counts of contravening the Terrorism Act and sentenced to 24 years in prison. He was then sent to Robben Island where he served his sentence until 1991 when he was released alongside other political prisoners. A biographical film entitled *Catch a Fire* was made on the life of Chamusso to highlight his role the struggle against apartheid.<sup>48</sup>

### **Klaas de Jonge**

Klaas de Jonge, a Dutch citizen was involved with underground ANC activities. He worked with Helene Pastoors whose case was discussed above. Together they facilitated the smuggling of weapons and established arms cache for MK in South Africa.<sup>49</sup> In 1985, de Jonge was arrested and detained without trial by the security police under the Internal Security Act. He escaped from police detention and sought refuge at the Dutch Embassy in Pretoria. The police stormed the embassy and arrested him. Following his arrest, the Dutch government protested to the South African government that its

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<sup>48</sup> *Catch a Fire* was made on the Life of Patrick Chamusso detailing his role in the struggle leading to his eventual arrest, detention and imprisonment. See [http://www.mg.co.za/articlePage.aspx?articleid=288957&area=/breaking\\_news/breaking\\_news\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=288957&area=/breaking_news/breaking_news_national/) Accessed: 13 August 2007. And also <http://www.emanuellevy.com/article.php?articleID=3323> Accessed: 13 August 2007.

<sup>49</sup> [\*Los Angeles Times\*](#), 12 July 1985.

embassy had been violated.<sup>50</sup> The Dutch Minister responsible for Foreign Affairs summoned David Louw the South African ambassador to The Hague and registered the Dutch government's protest. De Jonge was released and allowed to return to the embassy. The South African government in turn protested and demanded that he should be handed over to the police and stand trial for his anti Apartheid political activities.<sup>51</sup> De Jonge was eventually allowed to leave the Dutch embassy in September 1987 and returned to Holland afterwards. After the unbanning of political organisations de Jonge returned to South Africa in 1990, from Lusaka Zambia, accompanying some members of the ANC.

### **Pieree Albertini,**

In March 1987, Pierre Albertini a French citizen was arrested by the Ciskei police and sentenced to four years in prison for refusing to testify in a political trial. The French government protested to the South African government about Albertini's detention. In response, the South African government stated "it had no control over the executive or judiciary of Ciskei and that the French Government should therefore address its complaints to the Government of the State in question."<sup>52</sup> The French refused to engage the Ciskei government because it did not recognise Ciskei as a government. In retaliation France refused to recognise the new South African Ambassador to France as long as Albertini remained in jail.<sup>53</sup> This incident increased South Africa's diplomatic isolation in Europe. Albertini was latter was released, but not before Pretoria attempted bolster its faltering image abroad.<sup>54</sup>

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<sup>50</sup> *Glasgow Herald*, 12 July 1985

<sup>51</sup> John Dugard, et al, *International law: a South African perspective*, Cape Town, 2008, p.266.

<sup>52</sup> Summary record of the 2554<sup>th</sup> meeting, Extract from the Yearbook of the International Law Commission, Volume1, 1998,pp.238-239, [online], [http://untreaty.un.org/ilc/documentation/english/a\\_cn4\\_sr2554.pdf](http://untreaty.un.org/ilc/documentation/english/a_cn4_sr2554.pdf) [ Accessed 12 September 2011] See also the *Los Angeles Times*, 06 September 1987.

<sup>53</sup> Ibid

<sup>54</sup> SAIRR, 1986, Part 2, p. 648

Furthermore, the release of Albertini, de Jonge and Pastoors was not an act of goodwill or a humanitarian gesture by the South African Government; it formed part of a political deal between the South African, Angolan, Dutch, French and Belgian authorities. In fact, their release became the largest and complex prisoner exchange in Southern Africa. This was connected to capture of a member of the SADF in Angola. In May 1985, Major Wynand du Toit led an SADF commando in an operation to destroy an American operated oil field in the Cabinda region of Angola.<sup>55</sup> He was captured by Angolan forces and detained. The deal involved freeing Du Toit and returning the remains of two SADF soldiers by Angolan forces. In return, South Africa had to release Pierre Albertini, allow Klaas de Jonge to leave the Dutch embassy, release 133 FAPLA prisoners held by National Union for the Total Independence of Angola (UNITA).<sup>56</sup>

France under its President Jaques Chirac facilitated the negotiations and this put pressure on Pretoria to push for the release of Pierre Albertini who was detained by the Ciskei government. Since France did not recognize the Ciskei government, the issue was dealt with through Pretoria. The prisoner exchange took place in Mozambique in September 1987 at the Maputo International Airport. However, even more sinister was an attempt by Pretoria to push regional leaders in Southern Africa to renounce support for the armed struggle or violence. PW Botha stated that the exchange will "serve as an incentive for all the leaders in the region to resolve their differences through negotiation."<sup>57</sup>

The political imprisonment of a foreign White citizens received favourable press coverage because of diplomatic confrontations with a Western governments in contrast with African foreign nationals. This was largely because Western governments had the political leverage to put pressure on the openly defiant South African apartheid regime,

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<sup>55</sup> *Los Angeles Times*, 6 September 1987. See Also, *New York Times*, 7 September 1987.

<sup>56</sup> Gordon Rottman & Robert Pitta, *South African Special Forces*, London, pp.25-27.

<sup>57</sup> *Los Angeles Times*, 6 September 1987.

while neighbouring African countries, particularly those that were economically dependent on South Africa, did not have the same kind of advantage. In contrast to the response of European governments when their citizens were detained, the response by African governments was muted. Whereas in the case of Albertini, the French used their influence, Mozambique did not have the similar power to leverage the case of Chamusso. In fact, the South African government showed complete disregard for their sovereignty by carrying out cross-border raids and making deliberate efforts to destabilize them by setting up and supporting rebel groups as was the case with Mozambican National Resistance (RENAMO) in Mozambique.

### **Conclusion**

Non South African political prisoners and detainees contributed to the struggle against apartheid. Their imprisonment in a foreign country made their plight much more difficult. The thrust of the point made in this paper is that while secondary literature that has been generated is useful in understanding other aspects of political imprisonment in general, it does not take into account the imprisonment of non South African citizens. Yet, it is evident that citizens of neighbouring African and some European countries were held and convicted by apartheid laws that completely ignored diplomatic protocols. This at times led to diplomatic tensions with those countries whose citizens were imprisoned. Clearly, the number of foreign political prisoners was far less compared to thousands of South African political prisoners. Perhaps, this is one of the reasons their role in the struggle has fallen by the wayside in the discourse of political imprisonment. Significantly on 11 February 2010, three non South African political prisoners Helene Pastoors (Dutch) ,Andimba Toivo ya Toivo of SWAPO (Namibia) and Michael Dingake from Botswana were invited and attended the State of the Nation Address by President Jacob Zuma. Briefly, this affirmed the role played by non South Africa actors in the struggle for liberation.