

# Our Answer to Legal Terror

- ANDILE MAQOMA

Every advance we make in our march to freedom will always be followed by a more desperate counter-offensive from the apartheid regime. In every case, in order to forge our way further forward our liberation movement not only has to anticipate the enemy's sinister moves but has to keep our liberation forces in a state of constant readiness to frustrate the Pretoria fascists and this is the line which we have consistently followed in spite of all hardships. Today one of the areas of confrontation which calls for our immediate attention is the legal terror unleashed by the racist enemy.

## PAST EXPERIENCE

In the past our people have always expressed their opposition to every aspect of racist brutality including that of the racist courts. We can still vividly remember the inspiring examples of the "Stand by our leaders" campaign which accompanied the historic Treason Trial (1956-1960) & the attack by Comrade Nelson Mandela during his trial in 1962 when he told the racist court in Pretoria:

"I feel oppressed by the atmosphere of racist domination that lurks all around this courtroom. Somehow this atmosphere calls to mind the inhuman injustices caused to my people outside this courtroom."

Then came the courageous stand of our leaders; Mandela, Sisulu, Cathrada, Mbeki, Bram Fischer and many others during the Rivonia Trial and the following trying years, a stand which kept the spirit of no-surrender alive among our people even in the face of heightened repression and drew the attention of the world to our plight. These are rich experiences which must always be taken into consideration. In addition to this the current situation must be closely looked at.

## LEGAL TERROR

What are the facts? South African prisons are over-occupied by more than 300% and the situation is daily worsening. This was revealed in the evidence given by a former chief of the so-called legal aid centre for blacks, a certain Fourie,

when he appeared before the Hoexter Commission of Inquiry into the Functioning of the Courts. This was recently confirmed by the racist Minister of Justice, H.J. Coetzee, **Knowing** that the Pretoria fascist government will always hide the truth we can conclude that the situation is much worse than what the public is told. This could not be otherwise: thousands of black people, including ten year-old children, are daily rushed through the racist courts, then detained for an indefinite period or served with heavy prison terms for 'offences' connected with the inhuman pass laws, for participating in strikes, school boycotts or simply on the basis of suspicion. This is not all. South Africa has the highest rate of executions in the world, with black people being the certain victims. This is in addition to the hundreds of other innocent people who are murdered by the notorious security police while in detention. Against this background scores of our patriots are persecuted in the never-ending South Africa's Reigstag-type of trials.

To make sure that they can send as many of our patriots to the gallows as they please the racists are always pressing for charges of 'high treason'. For their 'evidence' the racist courts rely invariably and solely on 'confessions' extracted from the prisoners through the most brutal methods of torture, 'findings' by the government-appointed 'experts' (mostly members of the security police like the infamous Colonel Staedler) and the undisguised lies told by the scores of the Pretoria regime's agents and informers and state 'witnesses'. This is how six young members of the African National Congress and our people's army, Umkhonto we Sizwe, Petrus Mashigo, Naphtalie Manana, Johnson Lubisi, Anthony Tsotsobe, Johannes Shabangu and David Moise have been sentenced to death within a period of barely nine months. The persecution of our 72 year-old SACTU, ANC and community leader, Comrade Oscar Mpetha is not surprising. Not when the racist courts are acting in open collaboration with and under the orders from the security police, the South African gestapo.

In short this is the situation that we are faced with and, as we have pointed out earlier on, we must immediately find an answer.

## **GROWING RESISTANCE**

We have seen how our patriots have always held high the banner of our revolution even in the face of death. Having been sentenced to death by a racist judge, our young Solomon Mahlangu marched to the gallows with unmistakable pride in

the justness of our cause, leaving us with an ever-inspiring message:

"My blood will nourish the tree that will bear the fruits of freedom. Tell my people that I love them and that they must continue the struggle. Aluta continua!

Since then our freedom fighters have been seizing every opportunity to fight back even from the docks, sometimes in chains (as was the case with the "Pietermaritzburg 11" and presently with Comrade Oscar Mpetha). They effectively disrupt the farcical court proceedings while turning the courtroom into a political platform, urging us to fight on and instil confidence in final victory in our hearts. Even the passing of heavy penalties on them, including the death sentence, cannot demoralise our patriots. That is what happened during the trial of James Mange and ten other comrades. This has become a tradition among our patriots as the recent trials show.

Our patriots are not alone. Risking losing their jobs and arrests and defying gun-and-baton-wielding racist police with their vicious dogs, our people turn out in their hundreds to attend trials to express their opposition to the racist courts and their rejection of the sentences passed on our patriots. Marching from courtrooms, through the streets, our people sing revolutionary songs, waving placards on which are printed attacks on the Pretoria nazis like "Botha is a terrorist" and demands like "Release our leaders Oscar Mpetha and Nelson Mandela". The demand for the release of our leaders



and other political prisoners is also emphasised in protest meetings and strikes. The actions of the African National

Congress including the armed attacks by our people's army, Umkhonto we Sizwe, on economic, military and other government installations play a significant role. Forming an organic component of our people's mass resistance these actions also serve to organise our people's anger and direct it at proper targets.

Our answer to the legal terror of the P r e t o r i a regime as with every other aspects of racist colonial domination, therefore, lies in our organised mass resistance.

## **MAIN FEATURES**

However, in order to make our resistance more effective, it is necessary to point out some of the outstanding features of our actions and on which we must lay emphasis in our future battles.

These actions are country-wide and involve people representative of the cross-section of our population. This can be seen in the wide range of organisations which play a significant role in this campaign against legal terror. We have trade unions, organisations and bodies representing women, schools and universities, teachers, our community in different parts of the country, churches, lawyers, etc. Democratic whites are also participating increasingly. The ANC unites and guides us all.

The p o l i t i c a l content of these actions is rich. Our people are boldly identifying themselves with the African National Congress, Umkhonto we Sizwe and our programme f o r national liberation, the Freedom Charter. Our people know that their patriots are being persecuted for dedicating their lives to the realisation of our fundamental aspirations enshrined in the Freedom Charter. It was not by chance that after the imposing of a death sentence on James Mange in 1979, one leading member of the Teacher's Action Committee declared that "He (James Mange) was driven by ideals which have a noble quality in them. Seeking liberation is a noble pursuit..."

With these actions, which also keep the "Release Mandela Campaign" alive and raise it to new levels, our people are not only aiming at saving the lives of our leaders a n d patriots and securing their release. The identification of the racist courts as instruments of colonial domination & clashes with the police points to the growing realisation by our people of the need to smash every instrument of racist colonial domination and seize power into their hands. The absolute necessity of combining mass political actions with the armed attacks by Umkhonto we Sizwe is also dawning in their minds.

## **C H A L L E N G E**

The over-riding task which arises out of the observation we have made above can be summed up as follows: greater unity, better organisation and more resolute action. This means among other things, that in every region we must demand the release of our patriots throughout the country. We must find a way of joining the efforts of the various organisations that exist inside the country. The demand for the release of our patriots must be combined with other demands of the community; the demand for higher wages, trade union rights, equal and free education, freedom of conscience, the repeal of pass laws and the bantustan system; an end to mass removals, evictions, etc.

Throughout the world hundreds of millions of opponents of the inhuman apartheid system who have always stood firm on our side in every campaign will always be with us. The outstanding example of heroism recently set by the people of New Zealand who waged fierce battles to stop the racist Springbok rugby tour of that country will in time be repeated all over the world. But in the final analysis everything depends on us. We have to set the pace for the whole world. As Comrade Nelson Mandela once said:

"We believe it would be fatal to create the illusion that external pressures render it unnecessary to tackle the enemy from within. The centre and cornerstone of the struggle for freedom in South Africa lies in South Africa itself."

With this in mind let us continue to rally around the ANC, our pillar of unity for national independence and freedom and our army, Umkhonto we Sizwe, to fight and save the lives of our six patriots. This is an urgent question. At the same time we must always be conscious of the overall need to crush the entire apartheid system and bring an end to all atrocities in our country. Victory will certainly be ours.

**SAVE THE LIVES OF OUR 6 PATRIOTS!**

**DEMAND THE RELEASE OF NELSON MANDELA,  
OUR LEADERS AND ALL OTHER POLITICAL PRISONERS!**

---