



4 July 1990

KEEP THE PRESSURE ON

Dr Gerrit Viljoen, South African Minister of Constitutional Development, has revealed Pretoria's version of a new constitution for the country. Included was a proposal for a two-chamber parliament, one for whites, the second for all other races. Viljoen also spoke of 'equal, universal suffrage', without providing details. A common voters roll or one by region, race, tribe, language, what? Apartheid hardly disguised. A maverick Afrikaner politician commented: 'This does not deal with real black demands for democracy.' An African National Congress spokesman declared: 'There's nothing much new here.'

Viljoen is the Pretorian charged with managing the government's about-to-be-resumed pre-negotiation talks with the ANC. He is a classics professor, was Minister of National Education and before that headed the secret Afrikaner society, the Broederbond. He is currently hailed as an enlightened pragmatist. His product indicated above is world's away from the firm demand of South Africa's majority, as so eloquently and consistently enunciated by Nelson Mandela - a unitary, democratic, non-racial South Africa.

There is an enormous effort being pursued by Western government people, the press, the business and financial community, to relax sanctions against Pretoria. The argument is that De Klerk has done so many good things that he needs encouragement - 'carrots' - to support his work toward democracy. Viljoen's pronouncement strips bare the charade to reveal Pretoria's deepset purpose, to retain a veto, to control the future.

For the moment the European Community has decided not to relax sanctions until there is 'further clear evidence' that progress toward ending apartheid is assured. The US Congress, moved by Nelson Mandela's commanding address, appears ready to resist lifting sanctions. But senators and representatives need our constant messages urging resolve. The watchword is: "KEEP THE PRESSURE ON!"

Askari ANC defectors bring terror to black townships



THE INDEPENDENT

Wednesday 27 June 1990

PRESIDENT F W de Klerk, seeking to restrain the hot-heads of the Afrikaner *volk*, yesterday met leaders of four of the ultra-right mini-organisations which are constantly threatening to overthrow his government. The African National Congress roundly condemned the Pretoria encounter, railing against the failure of police to prosecute members of the Afrikaner Resistance Movement (AWB) and other para-military bands.

None of this impresses the residents of Tembisa very much. In the black township just south of Pretoria, they have to contend with dangers much more immediate and real than threats of "holy war" or half-baked plots to assassinate Mr de Klerk and his cabinet.

It would particularly fail to impress Thabiso Radebe, who was shot in the stomach and left for dead on 27 April, hacked with pangas (machetes) shortly after his emergence from hospital on 15 June and then whisked away by the security police who - assuming he is still alive - have been holding him incommunicado ever since.

As F W de Klerk tries to restrain extremist Afrikaner groups, John Carlin in Tembisa finds blacks are more afraid of ex-ANC men now working for the police

Amon Msane, vice-president of the Tembisa Residents' Association, complained yesterday that "a lot of hot-air stuff of no real substance" made a big impact nationally, "but we have to face very serious things daily and nobody notices". Mr Msane was referring to the emergence in Tembisa, the second largest township in Transvaal province after Soweto, of the Askaris - a police undercover unit he believes to have been behind the attacks on Mr Radebe.

Askari is the name given to an individual who has defected from the ANC to the security police, having been "turned" usually by the promise of pay or the threat either of death or a long prison sentence. The Askaris' existence first came to light in a court case in Cape Town early last year and

was confirmed in November by Captain Dirk Coetzee, the former security policeman who revealed the existence of alleged state-sponsored death squads.

Despite a judicial commission of inquiry - the Harms Commission, appointed by Mr de Klerk in February to investigate the allegations of, among others, Captain Coetzee - everything indicates that the Askaris continue about their work. And not only in Tembisa. On 8 June, in a field in the township of Oukasie, west of Pretoria, for example, the body of an activist called Abel Molokwane was found, with two bullet wounds. A few weeks previously he had told friends he feared for his life after a group of Askaris told him during a confrontation in a *shebeen*, or bar, that he was on a hit list.

In Oukasie, as in Tembisa and other townships where Askari sightings have been reported in recent weeks, political life - for all Mr de Klerk's attempts at "normalisation" - continues largely unchanged for the average anti-apartheid campaigner on the street. The old terrors still lurk.

Mr Radebe, an activist in the pro-ANC Tembisa Youth Congress, had been imprisoned without trial between 1986 and 1989. Soon after his release early last year, he went into hiding to avoid continuing police harassment. In April this year, lulled by the de Klerk reforms, he dropped his guard and resurfaced in his home township. On the night of 27 April a group of five surrounded Mr Radebe on a street and shot him in the stomach. One of the group, who had identified Mr Radebe by calling out his name, was Peter Botopela. Mr Botopela left South Africa in 1986 for military training at an ANC camp. He returned, was captured and, following a clear Askari pattern, was "turned", according to several Tembisa residents who know him.

After the shooting, Mr Radebe underwent an emergency operation and survived. With a large cross-shaped scar still fresh on his stomach, he was attacked again on the evening of 15 June, suffering severe lacerations on his skull. Soon after his arrival at Tembisa hospital, the security police - "funny enough", as Mr Msane remarked, - were on the scene.

- Mr Radebe's mother, Melita, was informed on 18 June that her son was in hospital. When Mrs Radebe arrived at Ward 16, where from a distance she saw that her son had large scars criss-crossing his head, she was told by police guards that she could not talk to him. As Mr Radebe's sister, Paulinah recounted yesterday, two black men in civilian clothes had, however, been allowed right up to his bed. They saw Melita Radebe and shouted across the ward, laughing, "Hey Mama. Look what happened to your boy!"

The next day Paulinah went to the hospital but she was told by the nurses that her brother had been discharged. A security police major informed Mr Radebe's lawyer, Crystal Cambanis, the next day that Mr Radebe was being held under Section 29 of the Internal Security Act, which places no pressure on the police to disclose a prisoner's whereabouts. Neither the family nor the lawyer have any idea whether Mr Radebe is alive or dead. The police public relations office in Pretoria was unable to shed any light yesterday afternoon either, despite attempts to secure information from the Security Branch.

A Statement on Week of National Mass Action Against Violence in Natal
from the Congress of South African Trade Unions (COSATU), the United
Democratic Front (UDF) and the South African Youth Congress (SAYCO)

The war in Natal has cost the lives of over three thousand of our people, tens of thousands have been made homeless, and incalculable misery and suffering has been brought to the millions of our people living there.

The Mass Democratic Movement and the ANC have made numerous attempts to bring peace to the region. These have been repeatedly scuttled by the leadership of Inkatha and the apartheid regime, whose actions have made it abundantly clear that they have no interest in bringing peace to Natal. Their only concern has been to try and wipe out all opposition to apartheid. This has meant waging war on the entire people of Natal.

It has therefore become obvious to our people and their organisations in Natal and throughout the country that peace initiatives at regional level are doomed to failure at this stage. The war in Natal is a national political issue which can only be resolved by putting pressure on those who have the power to end this war - the apartheid regime and their repressive agencies.

This bitter realisation which had dawned after previous attempts at regional peace initiatives had failed, led to the decision to embark on national mass action. This was not a decision which was taken lightly. Those communities affected by the conflict have been involved in extensive discussions for several months on what form this mass action should take. Organisations in other regions of the country have been calling for national mass action since at least the end of last year.

These discussions led to the decision to embark on a week of national mass protest from the 2nd of July. The purpose of the national action is to put pressure on F.W. De Klerk to put an end to the war in Natal. We believe that the apartheid state has the capacity to end this conflict, if it can find the political will. The national mass action is designed to encourage them to find that will.

The reason we are using stayaway and other mass actions to apply this pressure is that we have no other weapons at our disposal. The apartheid state and Inkatha have access to armies, police forces and unlimited access to weapons. We have the support of the people, and the people's strongest weapon is mass action.

DEMANDS FOR PEACE IN NATAL

- The KwaZulu police must be disbanded. This is the private army of Chief Gatsha Buthelezi. The South African government has given KwaZulu this power. They must now take it away.
- The State of Emergency must be lifted in Natal. It has been used as a cover for police atrocities in the province.
- The warlords must be arrested and prosecuted. There is ample evidence of their crimes.
- A Commission of Enquiry into police activity in Natal must be established.
- The security forces must play an effective and impartial role as peace-keepers. If the South African Defence Force and South African Police are not capable, then we need to look at other means to establish effective peace-keeping.
- Freedom of political activity must be guaranteed to all parties.

(This effort will be protracted, far beyond the first week of July 1990. Send messages to:)

(COSATU	State President F.W. De Klerk	Secretary of State)
(Box 1019	Private Bag X213	James Baker)
(Johannesburg 2000	Pretoria 0001	State Department)
(FAX: 011-27-11-	FAX: 011-27-12-	Washington, DC 20520)
(834-6528	323-1664	FAX: 202-647-4503)

Nelson Mandela said on American television that he had repeatedly brought up the issue of the war in Natal and Pretoria's failure to stop it with President F.W. De Klerk - and the State President did not answer.

'Our people demand democracy. Our country, which continues to bleed and suffer pain, needs democracy. It cries out for the situation where the law will decree that freedom to speak of freedom, constitutes the very essence of legality and the very thing that makes for the legitimacy of the constitutional order. It thirsts for the situation where those who are entitled by law to carry out, as the forces of national security and law and order, will not turn their weapons against the citizens simply because the citizens assert that equality, liberty and the pursuit of happiness are fundamental human rights, which are not only inalienable, but must, if necessary, be defended with the weapons of war. We fight for and visualize a future in which all shall, without regard to race, color, creed or sex have the right to vote and to be voted into all elective organs of state. We are engaged in struggle to ensure that the rights of every individual are guaranteed and protected through a democratic constitution, the rule of law, and an entrenched bill of rights, which should be enforced by an independent judicial as well as the multi-party political system.....

'Unhappily, our people continue to die to this day, victims of armed agents of the state, who are still determined to turn their guns against the very idea of a non-racial democracy. But this is the perspective which we trust Congress will feel happy to support and encourage. Using the enormous weight of its prestige and authority as an eminent representative of democratic practice. To deny any persons their human rights is to challenge their very humanity. To impose on them a wretched life of hunger and deprivation is to dehumanize them. But such has been the terrible fate of all black persons in our country under the system of apartheid. ..The injury is made that more intolerable by the opulence of our white compatriots, and the deliberate distortion of the economy to feed that opulence.

'The process of the reconstruction of South African society must and will also entail the transformation of its economy. We need a strong and growing economy. We require an economy that is able to address the needs of all the people of our country, that can provide food, houses, education, health services, social security and everything that makes human life human, that makes life joyful and not a protracted encounter with hopelessness and despair. We believe that the effect of the apartheid structure on the South African economy and the enormous and pressing needs of the people make it inevitable that the democratic government will intervene in this economy acting through the elected parliament. We have put the matter to the business community of our country that the need for a public sector is one of the elements in a many-sided strategy of economic development and restructuring that has to be considered by us all, including the private sector.

'The ANC holds no ideological positions which dictate that it must adopt a policy of nationalization. The ANC also holds the view that there is no self-regulating mechanism within the South African economy which will on its own ensure growth with equity. At the same time, we take it as given that the private sector is an engine of growth and development which is critical to the success of the mixed economy we hope to see in the future South Africa. We are accordingly committed to the creation of a situation in which business people, both South African and foreign, have confidence in the security of their investments, are assured of a fair rate of return on their capital and do business in conditions of stability and peace. We must also make the point very firmly that the political settlement and democracy itself cannot survive unless the material needs of the people - the bread-and-butter issues - are addressed as part of the process of change, and as a matter of urgency. It should never be that the anger of the poor should be the finger of accusation pointed at all of us, because we failed to respond to the cries of the people for food, for shelter, for the dignity of the individual.

'We shall need your support to achieve the post-apartheid economic objectives which are an intrinsic part of the process of the restoration of the human rights of the people of South Africa. We would like to approach the issue of our economic cooperation not as a relationship between donor and recipient, between a dependent and a benefactor. We would like to believe that there is a way in which we could structure this relationship so that we do indeed benefit from your enormous resources in terms of your capital, technology, all-round expertise, your enterprising spirit, and your markets.

(continued, over)

This relationship should, however, be one from which your people should also derive benefit so that we, who are fighting to liberate the very spirit of an entire people from the bondage and the arrogance of the ideology and practice of white supremacy, do not build a relationship of subservient dependency and fawning gratitude. One of the benefits that should accrue to both our peoples and to the rest of the world should surely be that this complex South African society, which has known nothing but racism for three centuries, should be transformed into an oasis of good race relations where the black shall to the white be sister and brother, a fellow South African, an equal human being, both citizens of the world. To destroy racism in the world we together must expunge apartheid racism in South Africa. Justice and liberty must be our tool, prosperity and happiness our weapon.

According to a logic dictated by our situation, we are engaged in an effort which includes the removal of obstacles to negotiations. This will be followed by a negotiated determination of the mechanism which will draw up the new constitution. This should lead to the formation of this constitution-making institution, and therefore the elaboration and adoption of a democratic constitution. Elections would then be held on the basis of this constitution, and, for the first time, South Africa would have a body of lawmakers which would, like yourselves, be mandated by the whole people.

Despite the admitted commitment of President De Klerk to walk this road with us and despite our acceptance of his integrity and honesty, of his purposes, we would be fools to believe that the road ahead of us is without major hurdles. Too many among our white compatriots are steeped in the ideology of racism to admit easily that change must come. Tragedy may yet sully the future we pray and work for, if these slaves of the past take up arms in a desperate effort to resist the process which must lead to the democratic transformation of our country.

For those who care, who worry about violence in our country, as we do, it is on these forces that they should focus their attention, a process in which we are engaged. We must contend still with the reality that South Africa is a country in the grip of the apartheid crime against humanity. The consequences of this continue to be felt, not only within our borders, but throughout southern Africa, which continues to harvest the bitter fruits of conflict and war, especially in Mozambique and Angola. Peace will not come to our country and region until the apartheid system is ended.

Therefore, we say we still have a struggle on our hands. Our common and noble efforts to abolish the system of white minority domination must continue. We are encouraged and we are strengthened by the fact of the agreement between ourselves, this Congress, as well as President Bush and his administration, that sanctions remain in place.

Sanctions should remain in place because the purpose for which they were imposed has not yet been achieved. We have yet to arrive at the point when we can say that South Africa is set on an irreversible course leading to its transformation into a united, democratic and non-racial country. We plead that you cede the prerogative to the people of South Africa to determine the moment when it will be said that profound changes have occurred and an irreversible process achieved to enable you and the rest of the international community to lift sanctions.....

The day may not be far when we will borrow the words of Thomas Jefferson and speak of the will of the South African nation.....Let that day come now. Let us keep our arms locked together so that we form a solid phalanx against racism, to ensure that that day comes now. By our common actions, let us ensure that justice triumphs without delay. When that has come to pass, then shall we all be entitled to acknowledge the salute when others say of us: Blessed are the peacemakers.

SA death squad inquiry fails to give reassurance

The Harms Commission has produced little but froth and farce, says John Carlin in Johannesburg

GERRIT VILJOEN, the cabinet minister appointed by President de Klerk to head the government's negotiating team, slammed the African National Congress yesterday for persisting with its talk of "armed struggle" despite an agreement reached in talks between the two sides last month to work together to end "violence and intimidation". The ANC, he said, was behaving in a contradictory, irresponsible and inflammatory fashion.

Mr Viljoen's complaints might have carried more weight were it not for the fact that the very same adjectives may be used to describe how the official investigation into allegations of state-sanctioned death squads has been conducted.

When Mr de Klerk announced in February the appointment of a judicial commission to "expose to the bone", as he put it, the truth of these allegations, great admiration was expressed for his courage and great expectations were raised that a powerful example would be set to ensure that South Africa came closer to becoming the "civilised" democratic society he aspires to. The judge Mr de Klerk selected, Louis Harms, was billed as a robust and searching inquisitor. Heads — big heads, it was anticipated — would roll.

The Civil Co-operation Bureau, a sinister undercover army unit, was squarely in the spotlight. So, to a lesser extent, were the alleged police death squads denounced by a self-confessed killer of left-wing activists, Captain Dirk Coetzee.

But, as the Harms Commission prepares today to embark on a month-long winter recess, the outcome, after 17 weeks of relentlessly half-hearted legal digging, has been, if anything, counterproductive. "By definition the Harms Commission was designed to allay public fears," said one of the dozens of lawyers employed in the investigations, "but in fact, as result of merely scratching the surface, they have been fuelled: We've learnt enough to make us terrified but not enough to reassure us anything can be done about it."

Were it not for the basic tragedy of the events under scrutiny — originally 71 unresolved political killings, though only three have been addressed — the Harms proceedings have had many of the elements of comic soap opera. The truth of the long-standing suspicions regarding the state's involvement in the general harassment and murder of its political opponents has, certainly, been further reinforced. "Maximum disruption of the enemy" was the name of the game, as the CCB agents called as witnesses have testified.


But, these grim generalities aside, the details to have emerged on the CCB's extensive and heavily funded activities have been limited to the absurd froth. South African taxpayers have been dignified with the knowledge that among the more hare-brained projects on which their money has been spent was one in which CCB agents succeeded in hanging a monkey foetus inside a jam jar on a tree in the grounds of Archbishop Desmond Tutu's Cape Town residence — "Operation Apie", it was called.

What conveyed most foolishly the sense of Restoration farce was the insistence of four senior CCB agents who testified on appearing heavily disguised. Joe Verster, the "managing director" of the CCB, wore a bouffant grey wig, a very long grey beard and dark glasses. Justice Harms took no exception to this and indeed prohibited reporters from taking any photographs of the pantomime spies. He also allowed the CCB's refusal to provide the commission with a long list of key documents, many of which have gone missing.

Whereas Justice Harms saw fit to take these extraordinary precautions with the state's agents, their intended victims have been provided with no such assurances. The commission heard that the CCB had planned to stab to death Gavin Evans, a journalist on the anti-apartheid *Weekly Mail*, and to induce a heart attack with bogus pills on Dullah Omar, Nelson Mandela's Cape Town lawyer. The names and addresses of both men were trumpeted in the commission. "Are these people more reassured as to their safety by the work of the commission?" asked Max Coleman of the Human Rights Commission. "No. They're more worried. The CCB witnesses, several of them convicted murderers, will simply walk away and be reinforced in the knowledge that they can get away with murder, literally."

No recommendation has been made by Justice Harms to suspend the activities of the CCB, which has more than 200 agents on its payroll and 160 operations on the go, further evidence to convince Dr Coleman that a whitewash is looming. Such a scenario, he said, is all the more alarming given that Joe Verster openly admitted in the hearings that the CCB is opposed to Mr de Klerk's strategy of negotiating with the ANC.

■ UMTATA — Youths in the rural district of Lusikisiki in Transkei tribal homeland have "necklaced" four murder suspects, police said yesterday, AFP reports.

 THE INDEPENDENT
Friday 22 June 1990

The INDEPENDENT BOARD of INQUIRY into INFORMAL REPRESSION in SOUTH AFRICA was set up in June 1989 to investigate and report on 'extra legal attacks' against anti-apartheid organizations and activists because South African Police investigations have rarely resulted in arrests much less prosecutions and convictions. IBIIR's board consists of prominent lawyers, academics, civil libertarians and clergymen. IBIIR follows various official bodies which Pretoria has had to establish following growing revelations of covert attacks and assassinations inside and outside South Africa. The Harms Commission is the principal such creation aimed to contain the widening scandal; it can only concentrate on events within South Africa and has focused on the Civil Cooperation Bureau (CCB) which appears to be an arm of the South African Defence Force (SADF), using retired or cashiered policemen so as to maintain the fiction of 'civilian' and to avoid official reports. Here are some excerpts from IBIIR's latest report, drawn chiefly from the ongoing Harms Commission Record:

'It is not exactly clear when the CCB, or a similar unit, was formed. According to Major General A J M Joubert, previous Commander of Special Forces who has been named as the previous Chairman of the CCB, an order to establish a SADF unit to act against organisations like the ANC was given before the 1st November 1985 by the then Chief of the SADF, General Constand Viljoen. This order was confirmed after the 1st November 1985 when General Jannie Geldenhuys became Chief of the Defence Force. The plan to establish this unit was approved in principle by both General Geldenhuys and the Minister of Defence, General Magnus Malan.

'Apparently the CCB evolved from an existing organisation, known as D40 - consisting mainly of ex-Rhodesian army officers. The name was later changed to Barnacle, then to 3 Reconnaissance Commando, and on the 6th April 1986 it became known as the CCB. According to Joubert, General Constand Viljoen ordered the special forces of the SADF to form a special unit "for the maximum disruption of the ANC covertly". This was approved by the Minister of Defence.

'...a person who purports to have been a member of the CCB told RAPPORT (an Afrikaans newspaper, 25 Feb 90) that the CCB or its predecessors have been active inside and outside South Africa for more than 10 years. Lt. Abraham (Slang) van Zyl said in his evidence that the internal operations of the CCB started in January 1989, as far as he knows.

'The CCB is a unit of the SADF's Special Forces. According to Major General Eddie Webb, Commanding Officer of Special Forces and Chairman of the CCB. "Action is always aimed at identified enemies of the Republic of South Africa." The aim of the CCB is "to maximally disrupt the enemies of the State".... under (General Webb) is the so called Managing Director, Col Joe Verster...The Chief of the South African Defence Force had to lay projects with political or strategic implications before the Minister of Defence for approval.

'The organisation is divided into geographical areas, each under the command of a Regional Director, and then sub-divided into cells, each managed by a handler. Every handler has a number of operatives under his command. The CCB employs "aware" and "unaware" members. The distinction is based on the test of whether they are aware that they are working for the CCB or not..... there are approximately 139 aware members and an unknown number of unaware members. Members of the CCB use false names to keep their identity secret.

'According to Webb, the CCB is presently busy with about 200 projects, mostly external. The headquarters of the CCB are situated in Pretoria West. According to Pieter Botes, former Regional Director of the CCB, members work in organisations like the South African Police, ESCOM, the Pretoria City Council, the Department of Internal Affairs and even the National Intelligence Service. "Not even General Eddie Webb or Col Joe Verster knows exactly who works for the CCB. Not all of my operators know who I am, either. It is an intricate system of aliases, false names and a communication channel that protects everyone." (Pieter Botes to the progressive Afrikaans language newspaper, VRYE WEEKBLAD, 18 May 90).

'According to Botes, every CCB member had to have a civilian "cover" to prevent him from being associated with the SADF (VRYE WEEKBLAD, 18 May 90). Christo Brits confirmed this and added that the CCB financed members to set up their own businesses. For example, Brits mentioned "Projek Maagd" (Project Virgin): a person was financed to start a business inside the RSA and another business in an African country. This would enable him to travel back and forth and to gather information about "hostile activities against the RSA" in the African state.'



Father Michael Lapsley writes:

'On Saturday evening, April 28, I opened a letter bomb which had been sent from South Africa to kill me. I am alive! My physical body is scarred (I had never been in danger of winning a beauty contest.) My spirit at one level is as fragile as any one in the human community. And yet at another level my spirit is stronger, deeper and more resolute than ever before in the commitment I share with the people of South Africa for a new and fully liberated South Africa, whose birth pangs are still proving to be so painful and so costly to so many. Hopefully and prayerfully, all that has happened to me will make me a more sensitive and compassionate human being.

'My personal road back to a full contribution to the struggle and more complete healing seems likely to be quite lengthy. I have wept and been overwhelmed and strengthened a thousand fold by the messages of love, of prayer, of support and solidarity which have poured in from all over the globe. To say "thank you" seems such a trite and inadequate response in the face of what you have given me. One day I will try and tell the story as I remember it, of what happened on that fateful night and the story of some of the many people who saved my life.

'Many of you will know that for some considerable time I have been a member of a number of families. Firstly, and obviously, there is my natural family. Then there is the Society of the Sacred Mission, the religious community of which I am a member. And there is the wider family of the African National Congress of South Africa leading South Africa's liberation struggle, of which I have been a member for a number of years. For six and a half years, the Basotho people shared their lives with me. Since 1983 Zimbabwe and her people has been home to me in ways too numerous to mention. People from many other struggles and all corners of the globe continue to enrich my life. At my own personal moment of need all these different families have become as one, and so together we shall survive and we shall win.

'As always - still in struggle, and with much love - Michael Lapsley, S.S.M.'

'PS: The boers took my hands, but they forgot to take away my tongue. I am currently undergoing treatment in Australia, but I cannot give out my address there at this time for security reasons. The situation should change soon, and I'll forward my new address then.'

The long arm of Pretoria's killing machine reached out again on 28 April 1990 with an attempt to assassinate Anglican priest and monk, Father Michael Lapsley, SSM, who for over 15 years has been prominent in the struggle against apartheid.

Father Michael's wounds were grievous: his right eye was destroyed; his shattered left hand had to be removed. Most of his right hand is gone - only the thumb and part of the index finger remain upon which hopefully some reconstruction can be accomplished.

Send your messages of love and solidarity to him - c/o ECSA, 339 Lafayette Street, New York, NY 10012. We will forward them as soon as possible.

Cowley House: a stepping stone to freedom. GAYE DAVIES reports

THERE'S a story Cowley House workers tell: of an old man from the Northern Transvaal who once a year would journey to Cape Town in the hopes of visiting his son, imprisoned on Robben Island.

For many years he made his pilgrimage, but each year he failed to see his child. Unable to read or write, finding his way to the ferry launch which would take him to the island fortress was simply beyond him.

Then, one day, he learned about Cowley House — and through the offices of this unique haven for the families of South African political prisoners, the long-awaited meeting took place.

But the best kind of reunions effected by Cowley House are those that take place within its white-washed walls — they mean that a prisoner has been freed.

There was just such a reunion last Saturday, when 28 Robben Islanders ate a meal inside the former monastery deep in the heart of Woodstock. It was the one certainty in their bewildering new freedom: Cowley House is the first stop for every prisoner who leaves the island for the last time.

Among those disgorged from prison vehicles to blink in the bright sunlight was 24-year-old Ashraf Karriem, sentenced to two years during the 1988 terrorism trial of Ashley Forbes and 14 other young Western Cape cadres for storing a hand-grenade.

For Karriem there had been little time to prepare for the emotional impact of his release.

Word of their freedom had come only the night before; he and his fellows had hastily packed their belongings into cardboard boxes and taken leave of the comrades remaining behind.

He'd had even less time to prepare for the sight of his 61-year-old mother, Zubeida, seated in a wheelchair — although he'd known she had had a leg amputated while he was in prison.

For his 63-year-old father, Abdul-Rahman — just out of hospital after a bout of pneumonia — the moment was overwhelming.

"I've been praying for this day, to see my son again, it was my wish to have my son and my family together again," he wept.

Tears are very much a part of the Cowley House story, but so too are the smiles.

It wasn't always so, however.

When the South African government first started incarcerating its political opponents on the island in the early Sixties, there were no releases — and no refuge offering the prisoners' families a bed, a warm meal and means of transport.

"People used to come to Cape Town and sleep in the railway station," Cowley House co-ordinator Nabs Wessels recalls. With little money, bewildered in a strange city, some — and most of

A beacon of hope that shines for the newly-freed islanders



First taste of freedom... A meal at Cowley House for the 28 prisoners released from Robben Island this week

Picture ERIC MILLER, Afrapix

them were women — would walk the 5km to Quay Five at Cape Town docks. Sometimes they missed the ferry and thus also their only chance in many months of seeing their men.

In 1974, a fieldworker with the Dependants' Conference — an anti-apartheid organisation dedicated to easing the plight of families whose breadwinner is jailed — started inviting families to his home.

But as the number of political prisoners grew, David Viti ran out of space — as did the friends whom he'd roped in to help.

Then, in 1978, the founder of the Dependants' Conference — the late Moira Henderson — acquired Cowley House from the Anglican Church. The former inhabitants of the 90-year-old building, monks of the order of St John the Evangelist, were returning to England.

Since then, Cowley House has come to mean much more than a bed, a meal and a ride to the ferry. Says Wessels: "It is a place for the families to come together, to share the traumas and the difficulties as well as food and shelter."

And for newly-released prisoners adjusting to the shock of the new, it is a

place where they can take stock of themselves or simply be, like the man who just wanted to sit and watch the moon. Locked up for the night every day at 4pm, he hadn't seen its face in 15 years.

During the past decade others have used Cowley House too: relatives of political trialists; parents desperate over detained children; wives and husbands pleading on behalf of condemned spouses on death row and the families of unrest victims in hospital.

When African National Congress leader Wilton Mkwayi married his wife

Irene in 1987, she held her reception at Cowley House. Mkwayi, of course, was unable to attend. After his release in October 1989 he first set eyes on the place his wife had come to regard as a home from home. This time his wife was absent: she had died the year before.

Although often perceived as closer to the African National Congress than its ideological foe, the Pan Africanist Congress, Cowley House has striven for a political stance Nabs Wessels prefers to call "all-embracing" rather than non-aligned. Among those who've spent their first night of freedom under its roof are ANC, PAC and Black Consciousness Movement members.

To complement counselling sessions for families, a special programme to help newly-released prisoners rebuild their lives is underway, according to Cowley House committee member Tom Winslow.

He describes the institution as "a beacon of hope".

But while recent releases have kindled that beacon, they have also seen Cowley House's resources stretched beyond the limit.

"Our budget is completely blown," Winslow said. Projected at about R150 000 for the year — excluding church-funded salaries — only R66 000 had so far been raised.

"It cost R2 500 just to hire combis to transport the 28 who were released at the weekend. The telephone bill is going to be enormous, but how can you not let someone just freed from prison phone his family with the news?"

"We can forget about our budget," Winslow said.

Recent releases were also making fund-raising doubly difficult.

"People think it's all over, when really it's just starting."

"Although 78 prisoners have been released since February, there are still 281 prisoners on Robben Island — and thousands more in prisons across the country."

The low profile Cowley House has carefully maintained over the years — to protect those who use it and prevent the service it offers from being "disrupted", as Nabs Wessels so delicately put it — has further hindered fund-raising.

Said Winslow: "There is still much work to be done at Cowley House. But we need help to do it."

Like other Cowley House workers, they are underpaid and overworked.

"But it's all worth it," said Nabs Wessels. "Despite all the suffering, the people we get to deal with are just wonderful."

● If you would like to make a donation to Cowley House, the address is 126 Chapel Street, Woodstock, Cape Town. Cowley House is legally entitled to collect funds under the auspices of the Church of the Province of South Africa.

ECSA will collect and send your contributions for the work of Cowley House.

Make your checks to: Episcopal Churchpeople for a Free Southern Africa
339 Lafayette Street
New York, NY 10012

No 'chinks' in Namibian constitution

Bruce Fein's column, "Chinks in Namibia's constitution," published May 8, distorts the truth. Although an ostensible critique of Namibia's constitution, the commentary contains no analysis of text, ignores Namibia's recent past and makes misleading references to only a handful of phrases in a document containing 148 articles and eight attached schedules.

Mr. Fein's column is based on an assumption that can be restated as follows: Africans are dictatorial and undemocratic. Namibia is an African country; therefore Namibians are dictatorial and undemocratic. The Namibian constitution must be one designed to create a dictatorial and undemocratic state. On that argument, the constitution is irrelevant and its provisions may be ignored. Thus Mr. Fein writes, "It can be *anticipated* [authors' emphasis]" that Namibians will enact oppressive laws; "It can be *expected* [authors' emphasis]" that they will discriminate against whites. Since the author cites no action by Namibians to support such anticipations or expectations, the statements are explainable only by prejudice and preconception.

Mr. Fein purports to compare, unfavorably, the concept of democracy in the "majority of African nations" with that of "referents" in Europe, North America and elsewhere. But

what he regards as a democratic constitution remains unclear. Is it preferable for African states to have no written constitution or bill of rights, as in the United Kingdom? Do Anglophone African states that continue to apply inherited preventive detention laws love liberty less than the British, who established and imposed them on colonial subjects? Is the growing American use of the death penalty more protective of human rights than Namibia's constitutional prohibition of executions?

If, however, Mr. Fein's point is that even the best constitution cannot guarantee a democratic government or adherence to law, this certainly is not new and hardly can be proved by speculation about an untried constitution and government.

In identifying specific complaints, Mr. Fein begins by admitting the constitution contains a lengthy bill of rights, covering the gamut of civil and political liberties. It should be noted that the Namibian constitution, unlike that of the United States, makes certain fundamental rights non-derogable under any circumstances.

Sec. 2 of Article 21 states that the fundamental freedoms listed in Sec. 1 may be limited by "reasonable restrictions," imposed by Namibian domestic law. The text of Sec. 2 is substantially derived from Article 10 of the European Convention on Human Rights. Mr. Fein fears such

restrictions will eviscerate the enumerated rights and render them hollow. Exactly the opposite is true. Limitation clauses balance individual rights with duties owed to other members of society. Article 21, read with Article 22 — to which Mr. Fein also makes objection — ensures that restrictions, which all states necessarily have to impose, must be for the reasons stated; that is, health, morality, public safety or public order. Indeed, Article 22, which so troubles Mr. Fein, spells out basic American constitutional doctrine: that such laws shall be of general, not personal, application; and shall be clear and precise. A corrupt government may, of course, pervert these or any other provisions.

Mr. Fein's complaint against the affirmative action provisions of the Namibian constitutions sounds like a carryover from the American scene. Since discrimination by ethnic group was, under South African occupation, established and enforced by law in Namibia, it seems hardly possible that anyone could find it unjust or sinister to authorize, as Article 23 does, "policies and programmes aimed at redressing" such past wrongs. Affirmative action to redress past discrimination against ethnic or racial groups is also sanctioned by established international human-rights law.

Mr. Fein misstates Sec. 2 of Article 16 that concerns just compensation for property expropriated by the state. It does not provide that compensation is to be determined by Parliament "in any way [it] deems fit." Rather, it provides that Parliament must lay down the procedures to be followed if expropriation is to take place. Far from "besmirching" private property rights, as Mr. Fein says, Article 16 accords with acceptable procedures that prevent arbitrary seizure of property by the state. What is or is not just compensation will be determined by the courts.

Rather than "predominating," presidential powers are significantly curtailed by Namibia's constitution. Apart from giving the president the right to appoint members of the Cabinet, all other presidential appointments are to be made on recommendation either of the Judicial Service Commission, the Public Service Commission or the Security Commission. All presidential appointments and actions are subject to review, reversal or correction by a two-thirds vote of the National Assembly. If the president dissolves the assembly, his term automatically ends.

Mr. Fein's anxiety about "awesome powers" granted to the Namibian president is undercut by his erroneous claim that the president may declare a state of emergency in case of economic disaster. The national emergency/martial law provisions, although without precedent in U.S. law, are judicially reviewable and carefully circumscribed. They are limited in duration and may be ended by Parliament. Namibia's constitution provides that the right of access to legal counsel and to the courts may not be abrogated.

It is interesting to note that all the judges previously appointed by the South African government have been retained, and the former judge president of Namibia's supreme court, also South-African-appointed, was named as independent Namibia's first chief justice.

Mr. Fein's last charge, "absence of strong local authority," is disingenuous at the very least; the constitution leaves the structure of regional and local governments to be determined by Parliament.

GAY J. McDOUGALL,
ELIZABETH S. LANDIS
South Africa Project
Lawyers' Committee for
Civil Rights Under Law
Washington

READERS' FORUM

Chinks in Namibia's constitution

Namibia's new constitution has been hailed by the United Nations, the U.S. State Department, and others as a model for democracy worthy of emulation in African and other nations. The magnitude of such wrongheadedness is stupendous. Contrary to its false touting, the Namibia constitution promises oppressive, authoritarian, one-party rule, racial discrimination against whites and permanent economic backwardness.

A lengthy bill of rights in the constitution is largely empty. It purports to protect personal liberty, prohibit degrading punishments, guarantee legal equality irrespective of sex, race, color, ethnicity, religion, creed, or social or economic status, prevent arbitrary arrests, detentions, or searches, and safeguard free speech, press, religion, assembly, political association and choice

Bruce Fein is a lawyer and freelance writer specializing in legal issues.

of occupation. But Article 22 eviscerates these advertised rights by authorizing their curtailment by general laws so long as "the essential content" of the right is preserved.

Article 21 strengthens the conviction that fundamental rights are to be hollow. It warns that they must be exercised in conformity with reasonable Namibian laws, which are not at war with a democratic society and "are required in the interests of the sovereignty and integrity of Namibia, the security of the State, public order, decency or morality, or in relation to contempt of Court, defamation or incitement to an offense."

But limits on fundamental rights acceptable in a "democratic society" is a manipulatable concept. Many repressive one-party states in Africa label themselves democratic. There is no understanding among the majority of African nations regarding the meaning of democracy that corresponds to its referent in Europe, the North American continent, Australia, and a handful of other countries. Tanzania, for instance, announces itself as a "democratic and

socialist nation with one political party."

The "democratic society" limit to oppressive laws is thus no limit at all. It can be anticipated that Namibia will enact laws curbing political parties and the right to own and operate media properties, heavily regulating private business enterprise, creating government business monopolies, and authorizing detentions, arrests or searches without probable cause to suspect wrongdoing.

In addition, the right to equality under the law is a cruel hoax. Article 23 expressly champions laws that prefer blacks in education, the economy and government service. It can be expected that laws will demand quotas of black teachers and students in schools, of black employees and business owners in the economy and of black civil servants in the bureaucracy, the police force, the defense force and the prison service. Article 23 thus entrenches apartheid in reverse and is equally repugnant as its white parent.

The right of private property, enshrined in Article 17 of the Universal Declaration of Human Rights, is besmirched under Article 16 of the Namibian constitution. It authorizes expropriations with just compensation to be determined in any way Parliament deems fit. Thus payment might be made with worthless paper currency, and the property owner may be denied the opportunity to present his case before an impartial or independent judicial tribunal. Parliament, with fiscal interests in underpayments, probably will stipulate compensation for expropriations unilaterally.

Typical of the majority of despotisms throughout Africa, presidential powers under the Namibia constitution predominate. The president is directly elected by the people to serve a five-year term, with the possibility of one re-election.

The president is commander-in-chief of the defense forces, and is empowered to rule by martial law or decree if he declares a state of emergency. The latter is justified in times

of national economic disaster, which is a synonym for any time in an impoverished nation like Namibia, economically dependent on South Africa.

The president may dissolve the National Assembly and call for new elections virtually at will. He appoints the prime minister, attorney general, supreme court justices and every other officer wielding significant powers. Further, the president, on the recommendation of the public service commission, may create an unlimited number of public sinecures to pack with his political toadies.

The awesome powers of the president will tempt the ordinary mortals who occupy the office to corruption, maladministration and usurpations. And that temptation becomes virtually irresistible under Article 31. It crowns the president with absolute immunity during his incumbency for civil or criminal wrongdoing, and the same impenetrable shield persists after incumbency unless the president has been impeached and removed by Parliament, and it resolves to lift the immunity.

The coupling of sweeping pres-

idential powers with legal immunity makes Mother Teresa the only person who could be trusted with the office.

The Namibian Supreme Court lends itself to manipulation. All Justices are appointed by the president to serve until 65, but an additional five years of judicial service is available for presidential favorites. Further, the president may make special ad hoc Supreme Court appointments to adjudicate constitutional claims at the request of the chief justice. Justices can also be removed for gross misconduct by a five-member judicial service commission with

two presidential appointees, two private bar appointees and the chief justice. These intimidating powers over the Supreme Court makes President Franklin Roosevelt's court-packing plan mild in comparison.

Amplification of other profound defects in the Namibian constitution, such as its bejeweled labor and welfare code and absence of strong local autonomy, must be omitted as a concession to the shortness of life.

The constitution's abundance of structural flaws make Namibia destined to follow the political road of almost every African nation into oppressive, corrupt and economically calamitous government.