

Harsh sentences in lower courts

FOUR DAYS after a Pretoria magistrate sentenced the three African National Congress guerillas in the Broederstroom trial to a total of 63 years imprisonment, a Potchefstroom magistrate imposed 12-year terms on each of three youths who had left the country for military training.

Teenagers Putswe Lithakanyane and Thumele Selecoe of the Vaal, and 23-year-old Thembisele Batyi of Port Elizabeth, were not found guilty of any acts of violence. But they were convicted of terrorism, because they had a mission on behalf of the ANC which has a policy of violence. Therefore, magistrate J le Grange argued, loss of life could be foreseen.

Le Grange imposed sentences ranging from ten years to a wholly suspended three-year term on four other trialists.

Former church worker Saul Tsotetsi, for instance, was alleged to have assisted in procuring funds and arranging for ANC recruits to leave the country; escorting such recruits to the Botswana border; and taking three trained ANC men to Botswana.

Noting that he had a previous conviction for similar actions and that he had 'failed to learn his lesson', Le Grange imposed a ten-year sentence on Tsotetsi. His first sentence was six years.

In the Broederstroom trial all three accused pleaded guilty to multiple charges of terrorism. Magistrate WJ van den Bergh sentenced ANC unit commander Damian de Lange to a total of 25 years; the unit's political commissar, Ian Robertson, to 20 years in all; and communications officer Susan Westcott to an effective 18 years.

While he accepted that there were those to the left and right who were dissatisfied with the present government, Van den Bergh held that 'to say that blacks have no political rights in this country is a misnomer. They have unlimited democratic rights in the independent, self-governing black states and limited democratic rights in other black areas'.

Attorneys in both the Potchefstroom and Broederstroom cases were emphatic that their clients would be appealing. In the Potch case the appeal will be both against conviction and sentence.

The severity of these sentences has caused observers to rethink the optimism they expressed earlier this year when the Mayekiso trial (centering on people's courts) was successfully defended in the Rand Supreme Court, and when the judge in the second Delmas trial ruled that membership of Umkhonto we Sizwe could, in certain circumstances, be regarded as an extenuating factor in the commission of murder.

There is a general perception that magistrates administer the law conservatively and that it is left to higher courts to break new ground in the interpretation of law.

Is there a growing trend to direct ANC trials to magistrates courts? It is too early to say, but at least one major trial is to be heard by a magistrate in the Middelburg

Regional Court in February.

Hendrik Maloma, Frans Madiba and Jerome Maake have been charged with terrorism, participating in an unlawful organisation and unlawfully possessing firearms, handgrenades, rocket launchers, projectiles and A canon.

They are alleged to have joined the ANC in 1985/6 and to have received military training in Angola. During the course of 1988 and 1989 they are alleged to have established ANC cells in the northern Transvaal villages of Jane Furse, Vleisboom, Mamone and Monsterlus, and to have trained their recruits in the use of weapons, which they smuggled into the country.

Other political trials, trimmed down to alleged transgressions of the Explosives Act or the Arms and Ammunitions act, are in progress in regional courts in Johannesburg and Welkom.

Also in Welkom recently an ANC member, Oben Dibate, was sentenced to 30 months after being convicted of terrorism. Dibate has Aids and, according to his lawyer, doctors reckon that he has between three and four years to live. For him, 30 months is virtually a life sentence.

Jo-Anne Collinge

CDF looks for popular mandate

OPPOSITION formations are seeking consensus on the key issues of negotiations, sanctions and 'the shortest possible route to freedom' at probably the biggest gathering of



Father Smangaliso Mkhathshwa (right) and Mohammed Valli at the announcement of the Conference for a Democratic Future, initially scheduled for October but subsequently postponed to December

Cedric Nunn, Afrapix

its kind ever to take place in South Africa, the Conference for a Democratic Future (CDF).

Planned for Witwatersrand University on December 9, the conference is expected to draw between 2 500 and 3 000 delegates - with the trade unions taking a 500-seat block and the churches 200 places.

All major democratic and anti-apartheid formations - with the possible exception of Inkatha - are expected to participate, with the

Freedom Charter-aligned mass democratic movement (centred on the United Democratic Front and Cosatu), black consciousness groupings and the churches represented on the 12-person convening committee. Invitations are being issued on the basis of support for the convening committee's 'unifying perspectives', crystallised in seven demands:

- * one person one vote in a united democratic South Africa;

- * the lifting of the emergency;
- * unconditional release of all political prisoners;
- * unbanning of all political organisations;
- * freedom of association and expression;
- * press freedom; and
- * a living wage for all.

The conference's major objective is to draw together single, united opposition perspectives on two key agenda items:

- * negotiations with Pretoria, and the conditions necessary for these to take place; and
- * the role of the international community in ending apartheid - with particular emphasis on the isolation of president FW de Klerk's government and on sanctions.

The third key agenda item is that of a joint programme of action. UDF publicity secretary and CDF convening committee member Murphy Morobe describes this as being potentially 'much more ambitious than past programmes because of the breadth of representation at the CDF, the number of organisations involved in drafting, and thus participating in it. It will certainly set the tone for 1990, if not longer'.

A united opposition position - stretching from the Five Freedoms Forum and the Black Sash, through the churches, through the mass democratic movement to the trade unions - on negotiations may, however, prove equally significant.

While providing the basis for joint action, it would also massively boost the position that it is coalescing in opposition to De Klerk's definition of negotiations - that they take place between racial formations with untested strength and with retention of racial 'group rights' as a non-negotiable end

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objective.

Arguably the most highly internationalised struggle in history, South Africa's struggle to end apartheid has been restricted by the ability of domestic and foreign interests - particularly Western - to argue, as Margaret Thatcher's British government does most consistently and vocally, that any demands put are merely those of one opposition grouping among many. The most vivid example of this is the role played for years by Inkatha in opposition to local and foreign sanctions and disinvestment drives.

The emergence of the UDF and Cosatu as the uncontested legal voices of opposition opinion has weakened the 'one-among-many' arguments. But Thatcher's performance at the Commonwealth conference in Kuala Lumpur in October, and the perspectives offered by her ambassador in Pretoria, Robin Renwick, demonstrate that the arguments are still alive and well.

Swapo's failure to achieve a two-thirds majority in the Namibian constituent assembly elections is already being used to bolster the argument, although with 57% of the popular poll Sam Nujoma can claim to be substantially more representative of his country's opinion than Thatcher is of hers.

Thatcher and other Western leaders and, to a lesser extent, Zambia's Kenneth Kaunda, have all offered their own blue-prints or suggestions on negotiations - and their eagerness to see them implemented with little or no reference to popular South African opinion.

At the same time, however, significant international groupings have begun pushing for a markedly different international perspective on the issue of negotiations.



In August the Organisation of African Unity (OAU) committee on Southern Africa, drawing extensively from a document compiled by the ANC, issued its 'Harare Declaration' - outlining pre-conditions which must be met before negotiations can take place, setting out the constitutional principles upon which negotiations must be based, and suggesting guidelines for any negotiations.

The details of the declaration need little elaboration: they are very much in line with the position adopted by Cosatu at its July congress, and with perspectives common within the democratic movement generally.

A month later the document was endorsed by the Non-Aligned Movement (Nam) at its meeting in Budapest. And the United Nations general assembly is set to discuss - and possibly endorse - it in mid-December, days after the CDF.

If the CDF succeeds in uniting the 500 organisations attending behind a single perspective on negotiations, and particularly on the pre-conditions which must be met by Pretoria before they can take place, this will substantially

increase the chances of the UN endorsing the OAU declaration.

More importantly, it will seriously undercut attempts to reject it as no more than one perspective among many.

In advance of the CDF, however, there is some confusion over the position to be adopted by Africanist groupings, due to merge into a single Pan-Africanist Movement (Pam) a week before the CDF.

Africanist spokesman Benny Alexander has already indicated blanket opposition to the mere idea of a negotiated end to apartheid. And internationally the lone voice to have been raised against the OAU document - only hours before it was released - was that of Pan-Africanist Congress (PAC) president Zephania Mothopeng, much to the embarrassment of the PAC's few remaining allies.

Alexander has indicated that Pam's affiliates are expecting to attend the CDF - but should they balk at endorsement of the OAU declaration, this would feed conveniently into the British argument that the forces ranged against apartheid are divided. Renwick, incidentally, has been suggesting for some time, against all evidence, that there is a steady growth in popular support for Africanism.

CDF organisers are, by contrast, understandably reluctant to see the conference divide along the traditional faultlines of the South African opposition.

They will be pushing strongly for a consensus position at the conference, but recognise that many organisations will not be able to endorse all suggestions.

'Sanctions is an example of this,' says Morobe. 'We know many of the organisations coming have not taken formal resolutions

on the issue.' In addition, the CDF will represent a wide range of interests within the parameters of the 'unifying perspective'.

'We will be seeking common ground, not differences', says Morobe.

It is possible that the major emphasis of the international support element of the CDF declaration will be on 'isolating the apartheid regime politically and economically' rather than spelling out the nuts-and-bolts of a pro-sanctions position.

Aside from the 700 seats allocated to the union movement and the churches, organisers have proposed a general allocation of seats on the basis of two for national organisations, plus two for each region in which the organisation has an organised presence. Smaller organisations have been allocated two seats a piece.

'It is thus possible that the UDF will have the same number of seats as the health workers in Sahwco (South African Health Workers' Congress)', says Morobe. This is less important, he believes, than the fact that the conference is generally representative of opposition opinion in its various flavours, and that between them they can draft a common programme and a set of perspectives.

The organisers also believe that, unlike last year's attempt at an anti-apartheid conference, the state will not act against the CDF.

'They cannot afford to', they say. 'The CDF already has a high international profile - 100 foreign observers are expected, international organisations like the OAU, Nam and the Commonwealth have expressed their support, and (US president George) Bush and Thatcher have been personally briefed on it.

'Acting against the conference would undo everything De Klerk has attempted to achieve since he took power'.

WIP Correspondent

Postal workers go for unity



A SINGLE union for postal and telecommunications workers is imminent in the new year, increasing Cosatu's membership by about 6 600 and securing yet another sector within the federation.

The merger involves three staff associations - the Postal Employees Association of South Africa (Peasa), with a membership of 5 309 coloured workers; the SA Post and Telecommunication Employees Association (Saptea) with 1 262 Indian members; and the Cosatu affiliate, the Postal and Telecommunication Workers Association (Potwa) with 17 278 black members.

Both Peasa and Saptea have conservative backgrounds and existed until recently as traditional staff organisations.

Peasa was formed in 1957 to organise coloured workers in the sector. Saptea, formed in 1972,

organised Indian workers.

Although the constitutions of both staff associations were amended a few years ago to allow for non-racial membership, neither association managed to draw in workers of other races - apart from a handful of white members in Saptea.

Unity talks called by Saptea in July 1987 were not taken further, partly because Peasa's leadership backtracked after the first meeting. But talks resumed in March this year after the three staff associations had visited SA Congress of Trade Unions (Sactu) and ANC leaders in Lusaka.

Since then the three associations have committed themselves to unity and affiliation to Cosatu.

Regional and national co-ordinating structures have been set up to facilitate the process. Working committees are also being set up at major regional depots.

Discussions have also been held on the political policy and structure of the new union.

Peasa co-ordinating member Godfrey Wright said unity in the sector was long overdue. 'Potwa was alone in the major postal workers and telecommunications strike in 1988. Had we been involved then, workers would have stood a better chance and the workers would have been so much stronger', he said.

Wright said the bulk of Peasa members were not active in the association, which detracted from its militancy.

The new union, likely to be launched in January 1990, faces many challenges. Pertinent issues are the restructuring and privatisation programmes currently in process; racially segregated facilities and racial quotas in staff recruitment; and the LRA campaign.