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official organ of the african national congress south africa

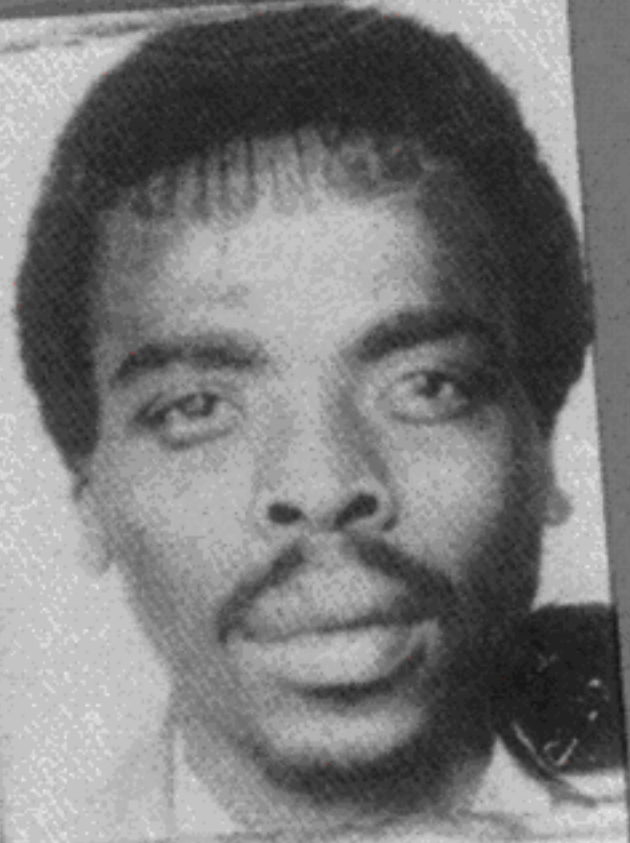
OCT 1988



THERESA RAMASHAMOLA



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OUPA DINISO

END APARTHEID EXECUTIONS!

OCTOBER 1988

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LISTEN TO RADIO FREEDOM

Voice of the African National Congress
And Umkhonto We Sizwe, the People's Army

Radio Lusaka

Daily 7.00 pm:
Wednesday 10.15-10.45 pm:
Thursday 9.30-10.00 pm:
Friday 10.15-10.45 pm:
Short wave 31mb 9505 KHz
Sunday 8.00-8.45 am:
Short wave 25mb 11880 KHz

Radio Luanda

Monday-Saturday 7.30 pm:
Sunday 8.30 pm:
Short wave 31mb 9535 KHz
and 25 mb

Radio Madagascar

Monday-Saturday 7.00-9.00 pm:
Sunday 7.00-8.00 pm:
Short wave 49mb 6135 KHz

Radio Ethiopia

Daily, 9.30-10.00 pm:
Short wave 31mb 9595 KHz

Radio Tanzania

Monday Wednesday Friday 8.15 pm:
Tuesday Thursday Saturday 6.15 am:
Short wave 31mb 9750 KHz

The above are South African times

EDITORIAL

WHOM DOES 'AFRICA CONFIDENTIAL' SERVE?

The July 1988 meeting of the National Executive Committee of the ANC took important steps aimed at removing some of the bottlenecks in our work, and doing away with irregularities. Also, the deaths of Comrades Moses Mabhida and Florence Mophosho and the assassination of Comrade Cassius Make in Swaziland meant that some gaps in the NEC had to be filled.

It is not customary for us to report on NEC matters in the columns of *Sechaba*. We have different ways of doing this. But the recent speculations in the Western press had made this necessary. We are not responding to them. We have more important things to write about. We only want to put the record straight.

Africa Confidential is an unattractive British news sheet, whose reputation (if that is the right word) has been to replace facts with sensational, juicy gossip, aimed more at discrediting the ANC, especially its leadership, than supporting our cause. Its lies know no bounds.

What confuses the reader is that there is a thin divide between fact and fiction. Facts are manipulated in such a way that the articles give a gloomy, if not a horrifying and frightening picture of the ANC. It is portrayed either as a mafia-type organisation or a movement about to collapse on its feet. How condescending can they be? How patronising? The ANC leaders are pigeon-holed into their racial categories.

Commenting on the July meeting, they say the meeting: "... did take measures designed to curb Hani's militant faction in Umkhonto ... Steve Tshwete has been dismissed from his post as Umkhonto political commissar — but compensated with elevation to the NEC." They even speculate about a "creeping military coup" within the ANC. When the ANC talks of civilian targets, they interpret this to mean "White civilian targets." They see nothing

but factions within the ANC: "Hani's militant faction within Umkhonto" and "old-fashioned Christian socialism" versus the "Fanonist militancy of the young lions," tribalism, regionalism, racism and the "secret hand" of the South African Communist Party.

The aim in all this is to generate more heat than light; the ANC must be split, and if this cannot be achieved, confusion must be sown. People are being persuaded to be careful about the ANC because it is directionless, as a result of quarrels and splits within the "factions" of its leadership, which cannot unite and speak with one voice. The articles, *Hani's Rise* and *Inside the Communist Party* read more like distorted intelligence reports than serious journalism. Who is *Africa Confidential* working for?

What actually happened at the NEC meeting was that serious questions were discussed and decided upon.

Comrades Mabhida, Mophosho and Make had to be replaced. The 1985 Kabwe Conference had recommended that, if need arises, the NEC could co-opt five more members. This need had arisen, and the NEC decided to implement Conference decisions. They co-opted new members — Comrade J Jele had been co-opted earlier. Three comrades had to replace the three members who had passed away since the Kabwe Conference. All in all, seven people were co-opted. They were democratically elected by ballot within the NEC. They are:

1. Jacqueline Molefe
2. Steven Vukile Tshwete
3. Sindiso Mfenyane
4. Stanley Mabizela
5. Ronnie Kasrils
6. Timothy Nkoana
7. Jackie Selebe

Steve Tshwete was not demoted or dismissed as army commissar, but was assigned another task. Timothy Nkoana is now political commissar of Umkhonto We Sizwe.

There were other important decisions taken at this meeting. The NEC decided to confer the Isithwalandwe-Seaparankoe award to the following:

1. Nelson Mandela
2. Andrew Mlangeni
3. Raymond Mhlaba
4. Ahmed Kathrada
5. Elias Motsoaledi
6. Helen Joseph

It should be remembered that the Rivonia arrests took place 25 years ago, and it was in honour of their services to our people that the Rivonia heroes were so honoured. Other leaders, such as Govan Mbeki and Walter Sisulu are already bearers of this feather of Indwe-Isithwalandwe. Helen Joseph, though she was not arrested at Rivonia, is definitely with them in the struggle.

There were other decisions taken at the meeting, but surely this is not the right place to report about them.

ANC STATEMENT

The apartheid regime does not rule by consent, but by force of arms and monstrous violence. It uses its armed police to enforce its laws and threaten the people; to resettle whole communities, against their will, in areas where they cannot eke out a living, and to guard the mines where Black workers live and work. For years now, armed policemen and soldiers have been driving through the streets of Black townships, shooting indiscriminately; men, women, children, even babies, have been injured and killed in this way. Funerals of the victims lead to more deaths, as police fire on the mourners.

Apartheid rule uses violence in an effort to intimidate or eliminate its political opponents. Some die when their houses are set alight; some are found murdered and mutilated; some disappear. Some are arrested, detained and tortured, and many horrifying forms of torture are on record. Ultimately, it hangs them — and witnesses in these cases are themselves tortured or threatened with death if they are reluctant to give the evidence that is required of them.

Our people regard this regime as illegal. As a minority regime, it has no right to rule, no right to make laws or to enforce them, no right at all to sentence people to death. The majority of people in the country had no say in electing the legislative bodies, and so the majority have every right to resist the oppression imposed on them.

Since Solomon Mahlangu in April 1979, at least 16 people have been hanged because they offered physical resistance to the physical violence used against the majority of the South African people, and at present at least 60 others are awaiting execution. Some of these are soldiers of Umkhonto We Sizwe, the people's army, and are therefore entitled to prisoner of war status under the Geneva agreement. Some are political activists, some are ordinary citizens, who were caught up in a situation where violence erupted. The regime has no right to hang any of them.

We urge you to intercede in an effort to prevent this further slaughter. We urge governments everywhere, international and national organisations, individuals, to exert all their influence to put an end to apartheid executions.

Alfred Nzo, ANC Secretary-General, Lusaka, September 9th 1988.



THE SHARPEVILLE SIX AND THE LAW IN CONTEXT

By Mervyn E Bennun

October 11th is the day designated by the United Nations as a day of solidarity with South African political prisoners. In this article, the writer looks at some implications of the trial of six people now on death row.

There has been a great deal of interest world-wide in the case of the Sharpeville Six. The case illustrates in several different ways how the regime uses the South African legal system against the people, rather than to protect and advance their interests.

One of the sad ironies of South African law is that, arising from its centuries-old historical origins, there are some details which are remarkably enlightened. However, these have been distorted and misused by the regime for its own corrupting and destructive purposes, and turned against the people. It is necessary for us to be clear about some of these issues, for there are aspects which carry important political consequences.

One thing is certain: the Sharpeville Six case shows up very clearly the total crisis of legitimacy confronting the South African

legal system, for it involves not merely the manner in which it operates, but also the effect its unjust procedures have on the law it enforces. We must strive to recapture those positive features of South African law mentioned above, and to ensure that they are never again forsaken.

In this article I want to consider briefly some of the legal issues raised by this case, and to try to put them into the context of South Africa and the struggle. But two points must be made first.

First, it is important to make clear why we stand by the Sharpeville Six, and all other political prisoners caught up in the bitter confrontations of the struggle, and sometimes become involved in incidents where there is loss of life and damage to property. The enemy attempts to drive a wedge between the ANC and the people, or misstates our reasons; and would-be friends

misunderstand them, or try to decide for us what is a right and what is a wrong way to conduct the struggle, even though they are not part of it and do not identify with it.

The Regime Has No Rights

We deny that the apartheid regime has the right to put the Sharpeville Six and others on trial at all. Even if everything the prosecution said about them is true, they were involved in a determined challenge to the apartheid state, and the whole world recognises the legitimacy of the struggle. The South African regime is illegitimate, and it is an atrocity and a war crime to put on trial those who strive to bring it down. In international law, the present regime in South Africa, by virtue of its oppressive, aggressive and racist policies, has forfeited any right to govern the country, and those involved in opposing it are engaged in a just war of liberation.¹

The struggle has four aspects — political, trade union and industrial, militant resistance and attack, and international; and those engaged in any of these fields are acting legitimately, and can claim the protection of the international community. Where an activist supports the objectives of the African National Congress, by virtue of its status in international law as a liberation movement, and because it has become a signatory to the Geneva Conventions on the conduct of war, he or she is entitled to the status of a prisoner of war if captured. This forbids trial and 'punishment' for actions undertaken in the course of that legitimate struggle.

The Guilt of the State

The ANC stands absolutely with the Six, and with all others facing the same fate, and does not discriminate between those who identify themselves consciously with the ANC and those who do not. Because it has won the support of the masses and thus has the responsibility for providing a disciplined structure and leadership for that struggle, the ANC has the duty to defend

unhesitatingly those who ally themselves with its objectives. In the case of the Six, therefore, the real guilty parties are the apartheid state and its personnel.

Further, the evidence in the trial of the Sharpeville Six showed beyond all doubt that the dead councillor identified himself with the regime, and was willing to enforce its oppressive laws. In fact, the judges of the regime all made this very point, and attached importance to it.

The question of whether it was right or wrong that he should have been killed is not a matter for debate here. There was a call to render the country ungovernable and apartheid unworkable, and the question of whether or not a particular action was disciplined and correct and furthered this objective is a matter to be settled, at the proper time, solely by those within our revolutionary movement. We cannot debate with the wider world whether it was a good or bad thing to have done, because such a debate would suggest that others have the right to advise the people of South Africa on how their struggle is to be conducted. When we insist that we alone have the right to evaluate the actions of those involved in our struggle, or who claim to be involved in it, we are doing no more than asserting our right to self-determination.

Illegal Convictions

It is also wrong to defend the Sharpeville Six purely on the basis of a humanitarian objection, however soundly based, to the death sentence; or on the basis that extenuating circumstances should have been found under South African law, and that, accordingly, the death sentences should not have been passed. These positions are valid, but if they are all we rely on, then we would legitimise the convictions, and make it impossible to defend other political prisoners, whose trials or sentences cannot be subjected to the same criticisms.

It is thus of absolute importance that the African National Congress should stand by the Sharpeville Six and all other political prisoners, so that those who join the struggle can be confident that they are being welded together into an even greater and

more powerful movement towards a free, peaceful and united South Africa.

The second point is that what happened in the trial of the Sharpeville Six was nothing special. It was characteristic of many trials that have taken place in the past, and which are now being conducted, against South Africans opposed to apartheid, whether or not they are members or supporters of the African National Congress.

Let us start with certain principles of criminal law which are fundamental in any civilised society, and then consider how they have been subverted.

Criminal Intention

Over centuries, it has been established that no one should ever be convicted of a crime unless that person had the necessary mental attitude to what he or she was doing. This is a complex principle with extremely important consequences. It means that, before we say a crime has been committed, it must be proved both that someone actually did something forbidden by law, and that it was done with a certain state of mind also forbidden by the law. The idea that it must be proved that only a person with the necessary guilty state of mind should be regarded as a criminal took a long time to develop. In earlier times, animals and even inanimate objects were 'punished' if they harmed a human being.

Today, in any humane legal system, before one can be convicted of murder, it must be proved that the accused person killed the victim with a state of mind which the law regards as wicked, and not through some clumsy or careless conduct, or because an accident happened for which nobody was in any way at fault. Modern legal systems try to distinguish, for example, between someone who deliberately aims a gun at another person and shoots to kill; someone who does not take proper care when wiring an electric plug, and electrocutes another as a result; and a person using a tool which breaks unexpectedly and kills someone else because of a hidden defect which nobody — not even the maker — could possibly have known about.

We can describe the first case as murder,

and regard it as the most serious of the three; the second illustrates a crime which we may regard as less serious than murder; and the third case is an illustration of an incident where we may consider that there has been no crime at all. This is the theoretical pattern as explained in the textbooks on South African criminal law.²

How to Determine Intention?

We cannot see the thoughts inside someone's head, even at the time that he or she was thinking them, let alone what that person thought at some time in the past, when the incident which the court is investigating took place. We can conclude what those thoughts were only by looking at what that person actually did.

For example, if I load and point a gun in the direction of my friend's head from 20 feet away, and then shoot, one may conclude that I intended to kill; but it may be that I thought I saw a deadly scorpion which was about to sting, and that I decided that in the emergency the only way I could protect my friend quickly and safely enough under the circumstances was to try and shoot the scorpion off, and to hope that I would be accurate enough to do so safely. My story may be nonsense, or it may be the truth; but the jury will have to be convinced that it was nonsense before it can convict me.

The sillier my story is, of course, the easier it will be for the jury to reject it and to decide that I really intended to kill. It will probably have to be told what I knew about scorpions, and all the other relevant circumstances of the incident, and it will take these matters into account when it tries to decide whether I might possibly be telling the truth when I give the explanation about what I thought. If I really did think that there was a deadly insect on my friend's head, and that what I did was the best I could do to protect him, even if it was a dangerous act, and if I reached these decisions honestly, modern systems of criminal law try to avoid treating me as a dangerous criminal. I may have been stupid, or confused, or genuinely mistaken, or mad; but these are different matters from being evil.

The 'Burden of Proof'

The decisions may be very difficult to reach; sometimes it is touch and go whether a person was stupid or evil, and the jury must take the decision in the light of all that is said in evidence.

A further important point is that, as a result of these principles, it follows that, before a person can be convicted of a crime, it is for the prosecution to prove his or her guilt. Another way of putting it is that there is a 'presumption of innocence.'

People often make this point as if it were something quite separate from the above discussion, and as if it was a standard of fairness which a legal system must meet. This may well be true; but in fact it is also inextricably linked with the principles stated above. If there can be a conviction only if the exact state of mind of the accused person has been proved, then it follows that the prosecution must prove that person's guilt. And the reverse is also true; only if there is a presumption that a person is innocent until he or she is proved to be guilty, can the principles explained above be applied.³

The best way to ensure that the law relating to the state of mind of an accused person operates correctly is to use a jury. The modern theory is that the people who have to take such a decision — the jury — should come from the community and the culture in which the people on trial live, and that they will therefore have some understanding of how the accused people think and behave, their motives for action and under what sort of conditions they exist. This helps the jury to decide who it thinks is being truthful and who is lying.

Before juries were abolished in South Africa in 1969, they were made up of Whites only. Thus they had little understanding of Black defendants, and favoured White defendants. So the system prevented the law from working properly.⁴

'Common Purpose'

The problem of finding out what a person intended is sometimes made more complicated when a crime involves a group of

people, but the basic principles explained above remain the same: in a humane legal system, the court must find out what was in the mind of each of the people involved.

If one imagines a group of people caught fighting together, each of them might have had very different reasons. Let us call them A, B, C, D, E and X. A might have been trying to take X's possessions by force, and did not care whether he killed X, if this was the only way to succeed. B might also have been trying to take X's possessions, but would have absolutely refused to kill X, and would have left, or tried to stop A, if he had known what was in A's mind. C might be keeping a look-out in case anyone else came to help X. D walked past and stopped to watch in curiosity but took no part, though he hated X and perhaps wished that X were dead. E might have become involved when they all fell on to him as he was passing, and in terror and total confusion started hitting out and trying to get away.

Assume X is killed by all the violence, including a blow from A and E.

We are likely to think that A is guilty of murder. But would it be right to say B and C were guilty of the same crime? — and would D and E be guilty of any crime at all? Clearly, each of them has a different state of mind, and this must be established if there is to be a conviction.

Rules must be established to help the jury reach conclusions; in different systems these rules are given different names, and in South African law the phrase, 'common purpose rule' has come to be used. The rule, broadly, requires that for the others to be guilty of exactly the same crime as A, they must know what A was planning to do or might do, and have associated themselves with A's actions so as to help A or make it easier or safer for him.

One of the English textbooks makes it clear that one must be present as part of an agreement that the crime should be committed, or one must assist or give encouragement in the commission of the crime.⁵ By itself, the fact that one is present is not enough — there must be something additional in the mind of the person involved, and accordingly done by him or her. In one English case, it was laid down that if someone has a secret intention to help another person who is committing a

crime if the need arises, but does nothing to give any indication of that intention, he would not be guilty.⁶

These principles are nothing more than the application of what was said earlier — that, before a person can be found guilty of a crime, the jury must first be satisfied that the combination of what was done, and the state of mind with which it was done, together make up a crime. Where more than one person is involved in an incident, we might be able to say that, while one of them is clearly a criminal (for example, the person who used the knife to stab), then others might or might not be guilty, depending on whether they had a 'common purpose' with the person who stabbed; and this in turn depends not only on what they did but what they knew and intended.

The Sharpeville Six Judgment

While all this sounds very sensible and reasonable, a legal rule is no better than the courts which enforce it. The judgments of the court that convicted the Sharpeville Six reveal all the worst problems of South African law.

For a start, the whole system of criminal procedure excludes any participation by the mass of the people. It was completely impossible for the court to take into account the problems and conditions under which the people live, and therefore to understand properly what happened. However, the courts were certainly willing to take into consideration the problems created for the apartheid regime by the opposition of the people to the whole system under which they are made to live, and the judges made it clear that political factors were important in their conclusions. The exclusion of the people from participation in the legal system — except as its victims — enabled the judges to decide, against all the principles of humane legal systems explained above, that the Six were guilty.

Further, the South African courts showed that they were even incapable of applying their own law. They were determined that there should be convictions and death sentences, and they twisted the rules of criminal law to secure this object. Both the

procedure which the court followed, and the law which it applied, ensured that the Sharpeville Six were convicted.

To start with, before one can even begin to apply the rules discussed above, there must be proof that the person being prosecuted had something to do with the case at all — for example, was present on the scene. In fact, there was much dispute between the six accused and the prosecution. Most of the Six said that they had not been anywhere near the scene, and called many witnesses in an effort to prove that they were somewhere else.

A typical problem is revealed in the situation created by one of the witnesses the prosecution relied on — a man called Manete. The way he became involved in the case is a clear illustration of the worst features of South African criminal law.

Police Threaten Witnesses

It is clear from what was said that Manete had been arrested along with others, and detained and questioned, and that he had made a statement to the effect that some of the Sharpeville Six had been responsible for the killing. It was then decided to use him as a witness, rather than to prosecute him. We must bear in mind that he was present, and may have done something with a 'common purpose,' and that it might have been a random decision to use him as a witness instead of prosecuting him also.

To understand the significance of this, we must remember that under South African law if one makes a statement to the police, it is frequently taken under oath, and it is a serious crime (sometimes known as 'statutory perjury') to say something different later in court, if called as a witness. As we know, the statement to the police is frequently made as a result of torture. In addition, if there has been a group of people involved, then, in order to get evidence for the prosecution, one of them might be put into the witness box and told that if he gives evidence "frankly and honestly," even if it incriminates him, then he will not be prosecuted.

This person may already have made a statement to the police; if he refuses to

repeat that statement in court (and is therefore thought to have performed unsatisfactorily as a witness) he is likely to find himself prosecuted both for 'statutory perjury' and for the same charges as the other people in the group. It is no defence for him to say that he refuses to answer questions in court because the statement was extracted under torture, nor can he refuse to give evidence until he has had a chance to consult a lawyer — in these cases he will simply be imprisoned until he gives in. Nor is he given a copy of the statement he made to the police while in detention, even if he wants it in order to decide what he should do in court.⁷

The witness, Manete, who was clearly on the scene when the mayor was killed, was in exactly this position. Moreover, he claimed that he had been tortured by the police into making a statement saying that some of the Six were present when the killing took place. In spite of this, the judge at the trial accepted his evidence.

We can only wonder whether a jury, knowing the circumstances and how the police in South Africa conduct themselves, would have done the same. In any event, we reject the very idea that a legal system can properly allow convictions to be based on such unreliable evidence.

Judge Made Things Worse

It is well known that in South African courts evidence is used that is obtained under torture, and that it is frequently untrue as a result. But we must remember that the law itself enables this to be done. Judges rely on such evidence, not merely because they are hostile to those who oppose the regime; the law is designed to ensure that those who are required to give such evidence will do so — they are given as little choice in the matter as possible, even if they know that what they are saying is lies.

The appeal judge in the trial of the Sharpeville Six went on to make things worse. Clearly, he realised that there was a great difference between merely being on the scene and actually contributing to the killing. The evidence that the Sharpeville Six were present was clearly

bad, but it was even worse if it had to be used to prove that they themselves had killed the mayor. So, to overcome this difficulty, the judge decided that, for the 'common purpose' rule to apply, there was no need to prove that there was any link between what any of them did and the death of the mayor. In other words, the mere presence of someone at the scene was enough to make that person guilty of murder if he or she hated the man who was killed and wished that he was dead — even if that person did not lift a finger to kill him or to help someone else to do so. It must be understood that when the law talks of 'doing' something it assumes that the person 'doing' it in fact knows what he or she is doing, and its implications, and is not going through actions in a trance, or sleepwalking, or while having a convulsion.

In the case of the Sharpeville Six, it would follow that one would expect that the prosecution would have to prove that they knew they were present when somebody was going to be killed, and intended that their presence and what they were doing should assist in the killing. But in fact the court rejected this; and as a result was naturally forced, as explained above, into presuming their guilt and expecting them to prove their innocence. At the trial, when the defence was trying to show how unreliable the evidence of Manete was, the judge made it clear in exactly these words that this was his view of the law.

Let us remind ourselves that the 'presumption of innocence' and the need to prove that an accused person had the necessary intent are just different aspects of the same principles. We must not for one moment think that this terrible twisting of the law was an accident. It followed from the manner in which the law on 'common purpose' was distorted. We have already seen that this was no accident either.

The Law Interpreted For Political Reasons

Clearly, the law was interpreted in this way for political reasons. When one reads the accounts of what was happening across the country at the time, it is clear that the mayor

was supporting and applying policies which were bitterly opposed by the mass of the people. Not all of them would have wished to kill those who supported such policies, nor were they members of any political organisations; and they would thus not have been in agreement about the best way of opposing such policies.

The judges in the case of the Sharpeville Six made it absolutely clear that the political context of the case was highly relevant. It was observed that many of the people in the area strongly opposed the policies of the mayor and the rent increases he proposed; there was a stayaway and a protest march and then violence — a major cause of which was the determination to enforce the increases. Clearly, they felt that in the light of the political situation they had to ensure that someone was punished as severely as possible for what had happened. The purpose of the trial, the convictions and the death sentences were for the protection of the apartheid state and nothing else; they had this purpose just as much as it is the purpose of those who oppose the rent increases to bring apartheid down.

There are serious implications when one views the case of the Sharpeville Six in this way. It is insufficient to campaign on their behalf purely on the ground that the trial was a travesty of justice and the sentences excessive. This has the effect of legitimising the regime; it amounts to saying that if the trial had been conducted in some other, 'fairer,' way, and had reached the same conclusion, then there could be no objection. It would also make it impossible to campaign against the trials of others who do not deny that they were present and took part when various other events took place which the regime has defined as 'crimes.'

The Courts Must Represent the People

Our opposition to the judicial murder and wrongful imprisonment of those who oppose the regime must be political and not merely legalistic. We must not accept battle on the enemy's terms, for the enemy — and his friends abroad — would have us

regard South African judges operating the legal system as essentially fair and independent. The case of the Sharpeville Six shows us what nonsense that is.

Further, it is insufficient for us to campaign against the atrocities and illegalities — by the standards of international law — committed by the regime, purely on the broad humanitarian grounds that apartheid is a bad thing. We are striving to create a new society, and our path towards that society is shaped by the wrongs we are at present experiencing. We are not free to determine the shape and features of our new society, because we are burdened by apartheid; because the laws used to defend apartheid are also used to frustrate our efforts to decide our future.

This underlines the importance of the Freedom Charter. The problems explained above are clearly addressed in this great document. By laying down that the courts must be representative of all the people, that trials shall be fair, that apartheid must be abolished, it makes it possible for us to do more than take steps to protect all political prisoners; it enables us to plan for our new society. Only when we have implemented the Freedom Charter, will we be free of such monstrosities as we have been considering; and we will then be free to ensure that they can never happen again.

References:

1. See the pamphlet published by the African National Congress, *The Illegitimacy of the Apartheid Regime, The Right to Struggle Against it and the Status of the African National Congress*.
2. South African law has been heavily influenced by English criminal law, and English textbooks explain the issues very clearly. See, for example, Glanville Williams, *Textbook of Criminal Law* (2nd edition) and Smith and Hogan, *Criminal Law* (5th edition).
3. See Glanville Williams, *op.cit.*
4. See the account of these and other problems by Albie Sachs, *Justice in South Africa*.
5. Smith and Hogan, *op.cit.*, p.124.
6. *Allan*, 1963, 2 All ER 897.
7. See Mervyn Bennun, *Witnesses for the Prosecution in South Africa: Some Comments*, 1976, *Acta Juridica* 67.

THE NATIONAL STATUTORY COUNCIL

A BOGUS WINDBAG

By Molefe Mabiletsa



Allan Hendrickse experiments with 'reform'

In this article, the writer analyses an institution that the South African regime has recently devised, and is now presenting as a 'reform' and part of a new democratic constitutional dispensation in South Africa.

The politics of the circus are never-ending. They would be amusing if they were not a tragi-comedy. It is fiddlesticks; Nero and his burning Rome all over again.

Fifty years ago, another White South African government introduced the Native Representative Council (NRC). One researcher, Andrew Merrifield, of the University of Syracuse in the United States, has come to the conclusion that the present proposals are "... in essence very similar to the old NRC."

He is right. The resemblance is uncanny. Even the rhetoric used by the White rulers of today echoes that of the rulers of 1937.

When Jan Smuts, South Africa's greatest imperialist hypocrite, who was then Deputy Prime Minister, opened the first session of the NRC, he said:

"This Native Representative Council has been instituted as a constitutional body, advisory to government and parliament, through which elected native representatives are enabled to present the views and interests of their constituents to government and parliament."

Jan Hofmeyr, a cabinet minister, who had voted against his own party by opposing the abolition of the Cape African franchise, was confident that the NRC might become "a very important and valuable thing." The most revealing observations were made by Margaret Ballinger, who, after the abolition of the Cape franchise, became MP representing 'natives' in the Cape. After the first session of the NRC, she said that there was:

"little doubt that the mere opportunity to state their side of the case, on levels they had never reached before, relaxed tension in people who had for so long been, not politically inarticulate, but beyond the range of government attention."

The 16-member NRC was indirectly elected through local authorities to represent four provincial constituencies, each with an urban, a rural and a reserve member. Four Africans were nominated.

Among the African National Congress members who were elected — trusting and optimistic — were Dr John Dube, Selope Thema, Dr James Moroka, Chief Albert Luthuli and Professor Z K Matthews. All except Professor Matthews were at one time

or another Presidents of the ANC; Chief Luthuli, in later life, became a Nobel Peace Prize winner.

NRC a "Toy Telephone"

The NRC was supposed to be the sounding-board for any laws affecting Africans, but it was never listened to. The intention of the White regime was to establish a kind of Speakers's Corner at Hyde Park, where frustrated 'natives' could relax their tensions by shooting their mouths off — exactly what Margaret Ballinger had observed but failed to analyse.

A corollary to this was the intention that the thoughts of the African leaders should be read and monitored by the regime. In that way, the regime would be equipped to keep the 'natives' down indefinitely — for ever and ever and ever. After ten years of painful betrayal of trust, Paul Moroka, member of the ANC and an elected member of the NRC, referred to the NRC as "the toy telephone."

Is the present so-called dispensation a "toy telephone"? Is the genocidal apartheid regime about to liberate its victims?

The National Statutory Council is to consist of at least 30 members. President Botha, who will be its chairman, will also decide where and when it is to meet. For the rest, it will be composed as follows:

■ The chief ministers of the bantustans, or their representatives. Therefore, **six members** will represent Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and QwaQwa.

■ **Nine members** will be elected by Africans normally resident outside the bantustans. This part of South Africa is to be divided into nine constituencies for the purpose. All Africans of 18 or over will be eligible to vote for a representative, unless the representative is disqualified on the grounds of having been convicted of an 'offence,' or insanity, insolvency, or not being resident in that region. A member who dies will be replaced by someone co-opted from the region he has represented.

Informed sources allege that the Botha regime has already selected and circulated the list of candidates to be elected in the October election.

■ The Minister of Constitutional Development, and other cabinet ministers appointed by the President — that is, at least **one member**.

■ **Ten members** will be 'experts' appointed by the President. These will be people who, in the opinion of the State President, can make a substantial contribution to the council.

■ **Three members** will be the chairmen of the Ministers' Council of Parliament — that is, the chairmen of the House of Assembly, the House of Delegates and the House of Representatives.

Thus, from day one of the life of the NSC, at least 21 members out of 30 will be from the apartheid institutions.

Aberration of Democracy

How farcical can you get? — how contemptuous of the intelligence of Africans?

Fifty years ago, the dummy Native Representative Council was at least all elected, and, to some degree, representative of the African people, and therefore articulated their true feelings or aspirations. Therefore, to refer to the National Statutory Council of today as a "toy telephone" would be to give this aberration of democracy a cloak of respectability.

The objectives of the NSC are described by the apartheid regime as:

■ Planning and preparing a constitutional dispensation that provides for participation by all South African citizens in the process of government.

■ Granting to African citizens, on an interim basis, a voice in the process of government.

■ Furthering and protecting sound relations among all South Africans, their human rights, human dignity and their freedoms.

High-sounding objectives!

However, to attain these objectives, the council may, according to P W Botha:

"investigate and consider any matter which, in its opinion, is of national interest, proposed legislation, legislation affecting Africans before they are submitted to the Cabinet, and make recommendations to the government, including a new constitu-

tional dispensation which provides for participation by all South African citizens."

The NSC is yet another talking shop; this time, between the puppets of the apartheid regime and the regime itself, which will be controlling the agenda and the manner of operation of the council, and when and where it is to sit. The NRC, the 'windbag' of 50 years ago, was at least allowed to operate without these controls.

The extreme optimist may, perhaps, feel that this analysis is rather iconoclastic. He may, perhaps, entertain the view that this latest of the 'Botha reforms' is a genuine attempt to get rid of apartheid, and change to genuine democracy. However, a cursory examination of the rhetoric of the apartheid racists soon dispels any such illusions.

Heunis Teaches Democratic Processes

Chris Heunis, Minister of Constitutional Affairs, who is credited with being the architect of this 'reform,' was quoted in the *Financial Mail* of July 18th 1986 as saying that his guiding principle is racial "group participation without domination." He said:

"I am trying to get Black people to learn the processes of democracy. Then we can take the next step."

Colonial paternalism in this day and age, Mr Heunis? How insulting to African intelligence can you get? However, this is yet another affirmation of the colonialist nature of the racist regime.

According to P W Botha, as quoted in the *Citizen* of May 27th, 1988, the constitutional structures his regime is setting up are to be used to allow South Africans to engage each other in discussion "without crowding each other out."

As the Commonwealth Eminent Persons' Group discovered to its chagrin, in the conceptual realm of the apartheid regime, in its universe of discourse, these utterances mean only one thing — White domination, the eternal perpetuation of apartheid.

Those in the Western countries who believe that the apartheid regime is capable of extending democracy need on-

ly ask the Coloured and Indian puppet MPs what happens if they are opposed to any measure that affects their 'people.' Ask Allan Hendrickse what happened when he went for an unauthorised swim on the 'White' side of a beach. Ask them what happened when they voted to abolish the Group Areas Act, which is one of the greatest cornerstones of apartheid. Ask them what is happening to their objections to the present amendment to this Act; an amendment that will give it greater stringency. Even the puppets have had to stage a walk-out in protest.

We Call For Genuine Democracy

The African National Congress has never been, and never will be, opposed to genuine constitutional talks to establish a united, non-racial democracy. The statement issued by the National Executive Committee on October 9th 1987 makes this perfectly clear. In that statement, the present 'reform' is identified as a bogus exercise, whose objectives are:

"... to defuse the struggle inside our country by holding false hopes of a just political settlement which the Pretoria regime has every intention to block."

The statement also accused Pretoria of trying to defeat the campaign for comprehensive sanctions by sending bogus signals to the western capitals.

In this regard, the freedom-loving, non-racist African people of South Africa have always been consistent. During the period of May 8th-9th 1947, several members of the Native Representative Council, who had boycotted the council since 1946 because of its ineffectiveness in abolishing racist legislation, were invited for discussions with Jan C Smuts, then Prime Minister. Among those present were:

- Councillor Chief Moshiyene ka Dinizulu, nominated member representing the electoral area of Natal, the king of the Zulus and uncle to Gatsha Buthelezi;
- Councillor Chief Victor Poto, nominated member representing the elec-

toral area of the Transkei;

- Councillor Chief Maserumule, nominated member representing the electoral area of the Transvaal and the Orange Free State;
- Councillor R V Selope Thema, elected member representing rural areas in the electoral area of the Transvaal and the Orange Free State;
- Councillor P R Mosaka for the Transvaal and Orange Free State;
- Councillor Professor Z K Matthews, representing the electoral area of the Cape excluding the Transkei.

It was a fairly representative group.

Jan Smuts offered them administrative responsibility for the Native Reserves (roughly the present bantustans) and some say in the running of African townships in the metropolitan urban areas. In this way, he hoped to save the Native Representative Council from certain demise.

On May 11th, Dr A B Xuma, then the President of the ANC, gave this reply on behalf of the council of African peoples:

"To the uninformed, the Prime Minister's reported proposals might appear generous, and to be an improvement on the present political status of the Africans, but in fact it is a retrogressive step, in that as long as the present discriminatory legislation remains on the statute book, the Africans are being in effect asked by the Prime Minister, in his proposals, to administer their own domination, discrimination and oppression under the cloak of giving Africans responsibility and participation in the administration of their own affairs."

"We wish to submit that this is a false position created, because there is no such thing as native affairs apart from South African national affairs. In fact, there can be no truly representative government or parliament within any state, in which all members of the state are not directly represented."

"In other words, we do not accept any proposal that does not provide for direct representation of all sections of the community in all legislative bodies."

It is rather odd that now, 40 years later, P W Botha is trying the same tricks in the guise of 'reform.'

ANC INTERNATIONAL

COMRADE NZO ADDRESSES BRITISH TRADE UNIONISTS



In September, the British Trade Union Congress presented its gold medal to Nelson Mandela. The award was received by Secretary-General Alfred Nzo of the ANC, who gave this address to the Congress.

The National Executive Committee and the entire membership of the African National Congress are deeply moved by the presentation of the TUC's Gold Medal to Nelson Rolihlahla Mandela. Mandela, a giant and a living symbol of our revolutionary strug-

gle for a future non-racial, democratic South Africa, a true patriot of our country and of Africa as a whole, has asked us to convey his profound thanks for this high honour.

He would have loved to have been here in person, but regrettably, this was not possible because of the well-known circumstances under which he is living at the moment. He remains a prisoner of apartheid, 26 years after incarceration in the fascist gaols.

He is at present fighting to overcome an affliction which tells volumes on conditions he has been living under for the past quarter of a century.

Honour for our People

Our leader emphasises that this award is recognition of the brave, courageous and unconquerable struggle waged by the oppressed, exploited and dehumanised masses of our country. It is a struggle which has helped to sustain him and all other political prisoners and detainees, some of them mere children, languishing in Botha's dungeons.

Amongst this large group of imprisoned and detained men, women and children are trade union leaders and activists. There is Moses Mayekiso, facing charges of High Treason. There is Oscar Mpetha and there is Harry Gwala; both are old and in deteriorating health. Instead of receiving proper medical care and attention and the comfort, care and attention of their families and friends, they remain incarcerated. Only an inhuman regime would continue to imprison these veteran trade unionists and freedom fighters.

In the past year, the apartheid regime has refined its instruments of torture and bloody repression. Atrocities are perpetrated every single day, with death and destruction wrought upon the peoples and countries of the Front Line States and Namibia. The curtain of silence which has descended upon South Africa cannot hide this painful truth.

The mass democratic and trade union movements are under severe attack. Indeed, the very existence of an independent trade union movement is in jeopardy. The recently promulgated Labour Relations Amendment Act is designed to speed up this process. We urge the TUC and trade unions throughout the world to protest against this Act and to increase solidarity and support for SACTU, COSATU and NACTU, the democratic trade union movement in our country.

Working Class Steeled in Struggle

We are confident that the working class, steeled in struggle, and conscious of their responsibility to lead the struggle for national liberation, will never be cowed into submission. It is a working class whose history is saturated with the blood of countless heroes. During the highly successful three-day general strike in June this year, our working class gave a fitting rebuff to the pessimists who were counselling undue caution and unprincipled retreat. With your support, the trade union movement in South Africa can grow stronger and stronger.

The ferocity of the apartheid monster knows no bounds. Just two weeks ago, 27-year-old Alfred Makaleng, a trade union organiser and prominent activist of the UDF, died in prison. He had been detained for over two years. Individuals who appear on international TV programmes or give interviews are physically attacked and, in some cases, killed. Let us remember Sicelo Dhlomo, who was murdered because he appeared on a CBS television programme, and a woman reporter, Veliswa Mhlawuli, who was shot in the eye because she appeared on a programme, *Suffer the Children*, broadcast by the BBC.

Religious institutions and religious leaders are under constant attack. Just a week ago, the headquarters of the South African Council of Churches was bombed and destroyed, and now the so-called Minister of Law and Order, Adriaan Vlok, describes them as "wolves in sheep's clothing," and threatens to "clip their

wings." Already, the offices of the Archbishop of Cape Town, His Grace the Right Reverend Archbishop Desmond Tutu, have been raided.

If these men and women of peace are "wolves in sheep's clothing," then even the English language has no words to adequately describe those who wield power in South Africa.

Arsenal of Destruction

Vigilante groups constitute a part of Pretoria's arsenal of death and destruction. In the province of Natal, more than 1 000 people have been killed by vigilante groups with the connivance of the state. We welcome the recent accords signed by Cosatu and Inkatha, to put an end to this carnage.

The apartheid regime has called ethnic local elections for October 26th. It is part of Pretoria's campaign to hoodwink the people of South Africa and the world. By this election, the racist regime seeks to demonstrate that it has crushed the unprecedented upsurge of people's power over the past few years, regained the initiative, and is on course with its programme of humanising apartheid. It beats me how anybody can imagine that you can humanise something that is inherently evil, violent and inhuman.

Botha is so confident of his reform strategy that he has made it a criminal offence to call for a boycott of these ethnic elections. It is even illegal for the media to report any call for a boycott. The state is spending millions of rands in a publicity campaign, and offering different types of inducements and bribes. They have even introduced 'prior' voting which enables people to vote privately at home two weeks before the elections. In one reported case, illiterate pensioners were given special prior-voting registration forms under the guise of pension forms.

Our People Are Not Deceived

Pretoria is reduced to this chicanery

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OCTOBER 11TH POLITICAL PRISONERS' DAY

On October 11th, 1964, 25 years ago, the General Assembly of the United Nations unanimously passed a resolution in support of those in the Rivonia Trial. October 11th was subsequently declared United Nations Day of Solidarity with South African Political Prisoners.



Release
our
Sisters

RELEASE
MAN

RELEASE

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◀ *Continued from page 15*

because it knows that our people will never accept the status of third class citizens. The ANC has called for a massive boycott. We have already produced and distributed — under conditions of illegality — thousands of leaflets, stickers, posters and other material. The mass democratic and trade union movements are organising special structures to meet the situation. Church leaders, Archbishop Tutu and Allan Boesak, have publicly called for a boycott. These church leaders could be arrested and in terms of the law, be subject to ten years' imprisonment or a heavy fine. The militant youth, the young lions of our country, are actively engaged in a number of actions. Government posters are ripped down, boycott slogans are superimposed on billboards advertising the elections, and slogans denouncing the elections are painted on the walls.

At this Congress we call upon the TUC, the affiliates, and all trade unionists, to protest against the coming ethnic election, expose its fraudulent character and express support for a united, non-racial and democratic South Africa. The only solution is the elimination of apartheid and the establishment of a just and democratic society based on the free exercise of one person, one vote by all the people in a united and non-fragmented South Africa.

Sisters and brothers, we are only too painfully aware that the struggle is long and arduous. But the might of the South African army can be defeated. The losses suffered by the SADF in Angola have compelled Pretoria to withdraw from Angola and enter into negotiations with the governments of Angola and Cuba. The hangmen of the SADF must not be allowed to stop in Namibia. They must get out of that country, so that our ally, SWAPO, can begin to implement its programme for the building of a happy and democratic future for all the people of a free Namibia.

We Are Freedom Fighters

There are no easy victories. By their violence, brutality and daily atrocities, the

apartheid regime has turned our struggle into a bloody one. Under conditions of a fascist reign of terror, in which the ANC is banned, and open political and trade union activities severely restricted or criminalised, armed struggle remains a central component of our revolutionary strategy and tactics.

We are not passive victims, offering our bodies to be tortured, mutilated or shot at. We are freedom fighters, conscious of our responsibility and duty to our own people and to the international community. Our struggle is governed by political aims and objectives. We shall continue to utilise different forms of struggle, legal and illegal, armed and unarmed, and the purposeful unity in action of the masses, to pursue the struggle until final victory is achieved. We are in no doubt that that victory will come.

We are equally certain that if there is united common international action on an even greater scale, the day of victory will be nearer still. We therefore have to intensify all-round action for the imposition of comprehensive, mandatory sanctions. The demand for sanctions should be so powerful that even the intransigent lady would be compelled to follow suit.

We of the ANC call upon all anti-apartheid forces to examine the ways and means of implementing people's sanctions. At the same time we should do all we can to increase aid, assistance and support to the Front Line States and SWAPO.

Let our demand for the release of Nelson Mandela, Walter Sisulu, Ahmed Kathrada, Raymond Mhlaba, Elias Motsoaledi, Moses Mayekiso, Oscar Mpetha, Harry Gwala and all other political prisoners and detainees reach tidal wave proportions.

Let our demand for the isolation of racist South Africa become irresistible. Let our demand for support for the ANC and the mass democratic and trade union movement be taken up in every part of this country. Let us together, hand in hand, side by side, eliminate this crime against humanity.

In the name of Mandela and all those who have fallen victims to apartheid terror, let us cry out with one voice: "Apartheid has persisted far too long! Apartheid must go! It must go now!"

Thank you.



ALBERTINA SISULU FREEDOM FIGHTER

By Sara

We salute one of our best known heroines of South Africa, Albertina Nontsikelelo (Blessings) Sisulu, on her 70th birthday in October. Albertina continues to be an inspiration to the younger generation of today in South Africa, 40 years after her first involvement in the freedom struggle.

The long and difficult struggle in South Africa has produced many leaders who have displayed great courage and determination in the face of cruel persecution. Among them, MaSisulu has a special place of honour. She has long been a loved and respected leader in her own right.

She has been in the forefront of the strug-

gle for almost half a century and suffered cruel and vengeful persecution by the racist regime — a series of gaolings, as well as the anguish of a mother as her children were frequently detained and held incommunicado. But she has refused to be intimidated and never wavered in her commitment to the struggle for freedom and non-racialism.

Albertina became a living symbol not only of the spirit of the great freedom movement but of the crucial role which women play in it. She is honoured by her people as the 'Mother of the Nation'; and was elected, even while in gaol, as one of the Co-Presidents of the United Democratic Front (UDF), the largest democratic organisation in the country, with more than 600 organisations affiliated to it. MaSisulu is also national President of the multi-racial Federation of South African Women.

Born 70 years ago, in Cofimvaba in the Transkei, on October 21, 1918, eldest of an orphaned family of five children, she grew up with her maternal family, and remembers with amusement that her first ambition was to be a nun:

"But then I learnt that I'd have to give up contact with my brothers and sisters, with whom I wanted to set up a home, since we'd grown up in other people's houses."

After obtaining her Junior Certificate in 1939, Albertina was accepted for nursing at the Johannesburg General Hospital. "I had no political ideas. I was devout until I met Walter," brother of a fellow nurse. Walter Sisulu had already been deeply involved in the ANC Youth League, with Nelson Mandela and Oliver Tambo, and is now serving a life sentence as a result of the Rivonia Trial of 1963.

Career and Commitment

Albertina qualified as a nurse and midwife in 1944. In the same year, she married Walter Sisulu and also became involved in the Youth League. Five years later, she agreed to his election as the first full-time Secretary-General of the ANC, accepting the responsibility of supporting the family on her earnings as a nurse.

The Sisulus have been able to live together for hardly nine years, as he was constantly in prison or on trial or underground or away on political work. He was sentenced with Nelson Mandela to life imprisonment in June 1964, and was first on Robben Island and then was moved to Pollsmoor maximum security prison. He has had no parole or remission.

The 1950s were a decade of political upheaval. Albertina joined the ANC Women's League in the 1940s, becoming its treasurer in 1959. She became a member of the executive of the Federation of South African Women when it was formed in 1954. She was a leader of the campaign to boycott 'Bantu Education,' imposed on African children in 1954; alternative classes were held at her home until they were prohibited by law. She was one of the leaders of the national demonstration of 20 000 women in Pretoria in August 1956, in protest against the extension of pass laws to African women, and also one of the leaders of the women's demonstrations against the pass laws in Johannesburg in 1958, after which she was gaoled, separated from her ten-month-old daughter, Nonkululeko (Freedom). She recalls:

"I had to be in gaol for three full weeks without the baby and I was so sick — my breasts were swollen because I was breastfeeding. I didn't mind that because it was part of the struggle."

Detentions, Bannings, House Arrests

MaSisulu was detained and held in solitary confinement for seven weeks in 1963, when Walter went underground. As soon as she was released, she led demonstrations against repression and the trials of the leaders of the freedom movement.

Soon after her husband was sentenced to life imprisonment in 1964, Albertina was served with a harsh five-year banning order prohibiting her from attending any gatherings of more than two persons, confining her to her location and preventing her from any political activities. She had to struggle

hard to support the family, working as a nurse and knitting clothes. In 1969, she was again served with a five-year banning order, this time confining her to her home at nights and on weekends. In 1974, a third five-year banning order confined her to her home even on public holidays. In 1979, she received a two-year banning order, without house arrest and with permission to go to church.

There was a brief respite when the banning orders were not renewed in 1981. Albertina was invited to speak at meetings all over the country, though, as a person once banned, she could not be quoted in newspapers. MaSisulu occupied a place of honour at a conference of political, trade union and community organisations in Durban in October 1981, which affirmed the Freedom Charter of 1955 as the framework for the continuing struggle.

The regime banned her again from June 1982 to July 1983. She was arrested in August 1983 and held without bail for more than six months on the charge of singing ANC songs at the funeral of a woman leader of the movement. Sentenced to four years' imprisonment, she was released on bail pending appeal.

Soon after her release she led the powerful mass mobilisation by the UDF against the new racist constitution and other apartheid measures. Detained with other leaders of the UDF in December 1984, on a charge of high treason, she again spent several months in gaol before the case collapsed.

The earlier four-year gaol sentence was dismissed on appeal in September 1987, but in February this year she was again prohibited, under the state of emergency, from all political activity.

A Remarkable Family

Meanwhile, her husband has been in prison for a quarter of a century. Her eldest son, Vuyisile Max, was detained, together with his mother, in a police attempt to trace the place from which Walter Sisulu had made the first Radio Freedom Broadcast on June 26th 1963 — "An eye for an eye, and

a tooth for a tooth", — a powerful message to the nation.

Harassed by the police after release, Max escaped from the country. Another son, Mlungisi, was detained in 1984 during the campaign against the new racist constitution, along with a nephew and a niece whom she had raised after the death of their parents. A daughter, Lindiwe, was detained for 11 months during the Soweto Uprising of 1976 and is now in exile.

Her youngest son, Zwelakhe, editor of *New Nation*, has been restricted and gaol-ed several times and has been in detention without trial since December 1986.

Yet Albertina seeks no pity. She told the press in one of the brief intervals between banning orders:

"... Although politics has given me a rough life, there is absolutely nothing I regret about what I have done and what has happened to me and my family throughout all these years. Instead, I have been strengthened and feel more of a woman than I would otherwise have felt if my life was different."

Albertina has agreed to be nominated to the post of Rector of the University of Edinburgh, not for the honour to herself but to enable the electors to show their concern for freedom in South Africa and their solidarity with those struggling under very difficult conditions.

Her candidature was backed by the United Nations former Assistant General Secretary, and Head of the UN Centre Against Apartheid, Mr E S Reddy and the former leader of the Liberal Party and Chairman of the Scottish Anti-Apartheid Movement, David Steele.

Sisulu Family Honoured

In July, *The Indicator*, a Lenasia-based newspaper in Transvaal, awarded the Sisulu family the honour of being the Newsmaker of the Year Award. The certificate was presented to Zwelakhe's wife, Zodwa Sisulu. Sheila Sisulu, another daughter-in-law, delivered a speech of acceptance on behalf of MaSisulu who could not be there because of her banning order.

AIDS— MISINFORMATION AND RACISM

By Mzala

In less than ten years, a deadly and previously unknown disease has come to represent what is probably the major health crisis of our time. This disease is AIDS — Acquired Immune Deficiency Syndrome — a name rarely out of the headlines, and a disease that has already outrivalled past scourges such as cholera, bubonic plague, polio, syphilis and influenza.

The mass media constantly report millions of people infected by the virus, called the Human Immunodeficiency Virus (HIV), many of whom are expected to die within the next five years or so, by which time twice the original number of people will have been infected.

By April 1988, more than 115 countries had reported 85 273 cases of AIDS to the World Health Organisation. According to the *London Times* in May 1987, it has been estimated that up to ten million people world-wide are infected, and it is expected that there could be a hundred million carriers by the end of the century.

Science fiction writers could not have devised a more frightening disease if they had tried: an artificial pestilence that kills the maximum number of people and which is incurable. The HIV virus attacks and destroys the immune system, which is responsible for fighting off infections. Without it, the human body cannot fend off

even the most trivial illnesses, and AIDS results from the inability of the body to defend itself against fatal infections.

Alarm and panic have been generated in the world population; other problems have arisen because of misinformation and misunderstanding; prejudice has been inculcated among members of the human race. AIDS has fallen victim to the same process that has bedevilled health under capitalism, where medical facts are often over-dramatised for the sake of making huge profits for the drugs industry. Never before has an epidemic been viewed through such political lenses.

Theory of African Origin

A reporter from the *London Times* went on a trip to Burundi and Zaire in late 1986 to investigate the incidence of AIDS in Africa,



and his report was printed on October 27th of that year:

"A catastrophic epidemic of AIDS is sweeping across Africa, scarring the face of the continent and killing thousands of men, women and children ...

"The disease has already infected several millions of Africans from the Atlantic coast to the Indian Ocean, posing colossal public health problems to more than 20 countries. Within the next few years, hundreds of thousands are doomed to die, and the inevitable spread of the epidemic out of Africa will add to the fast-increasing worldwide toll ... The scale of the African crisis, however, stuns the imagination."

The following day, the same newspaper gave the following conclusion to the story:

"(Burundi) is the very heart of central Africa, and at the core of the AIDS epidemic that stretches right across the continent. Some scientists believe that the Aids virus originated somewhere among these majestic hills and lush valleys, mutated perhaps from the African green monkey, possibly carried unwittingly for generations among the Hutu peasant farmers or the rival Tutsis who now rule

Burundi. Over the past 20 years, as huge stretches of the land were exhausted by farming, many thousands of Burundians, among those who may have been symptomlessly carrying the virus, drifted to the capital, Bujumbura, in search of work."

There, the theory goes, men became unfaithful to their women, and women took to prostitution, and travelling businessmen from Europe or America contracted the disease from the prostitutes, subsequently spreading it to Europe. In the United States, it is thought that the disease was brought in by the Haitian immigrants. Similar stories about the origins of AIDS from Africa have been published in numerous newspapers and broadcast on radio and television all over Europe and America. Ordinary persons on these continents have been made to believe, and some of them are convinced, that they are victims of a health problem brought from outside their territories by immigrants, or through contact with Black people.

Scientists Speculate

To a large extent, this public opinion in Europe and America was fuelled by views

that were expressed by some scientists who first investigated the epidemic, among them Dr Robert Gallo of the Laboratory of Tumour Cell Biology at the National Cancer Institute in Bethesda, Maryland, in the US. In 1982, Dr Gallo was among a group of scientists who were racing to find the cause of AIDS. Four years previously, in 1978, he and a group of Japanese scientists had discovered a virus that infects human beings and causes a type of leukaemia. Dr Gallo called this virus "Human T-cell leukaemia-lymphoma virus" (HTLV) A lymphoma is a type of tumour.

In 1982, researchers at his laboratory found another virus in human beings, a much rarer virus that also causes a type of leukaemia. Dr Gallo called it HTLV2, to distinguish it from the first one. He suggested that a form of HTLV virus might well be responsible for AIDS; his reasoning was that people who were infected with any of the HTLV viruses had their immune systems suppressed, and the virus was transmitted by blood or intimate contact.

In October 1983, Dr Gallo published a long letter in the British medical journal, *The Lancet*, containing the first suggestion that the AIDS virus had originated from Africa. He said:

*"Studies in the United States indicate that healthy carriers of the virus are unusual, and chiefly clustered in rural Black populations and possibly native Alaskans ... Our more recent studies show that HTLV is prevalent in Africa ... In most other areas of the world, and notably in healthy Whites of Western Europe and North America, HTLV infection seems to be very rare, except perhaps in patients with the acquired immunodeficiency syndrome ... Because of widespread infection of Africans and because of the presence of Old World primates in Africa, we think Africans had the greatest opportunity for early infection ..."*¹

Hanging on this theory, Japanese researchers at the School of Medicine in Nagasaki reached a conclusion in September 1984 that this virus was probably brought directly to their country by the Portuguese or their associated Black Africans three centuries ago. This assertion received immediate backing from Dr

Gallo. Writing in the *Scientific American* of December 1986, he even produced a 16th century painting depicting Portuguese merchants with an African slave.²

Rationale for Racism

From there the theory crystallised, as more and more scientists came up with the 'African link.' One group referred to the possibility that primates indigenous to Central Africa were carriers of an infectious virus serologically related to HIV. John Green and David Miller, based at St Mary's Hospital, Paddington, London, and said to be the "two most experienced AIDS counsellors in Britain," further explained:

*"Monkeys are often hunted for food in Africa. It may be that a hunting accident of some sort, or an accident in the preparation for cooking, brought people in contact with infected blood. Once caught, monkeys are often kept in huts for some time before they are eaten. Dead monkeys are sometimes used as toys by African children."*³

As this belief began to take root, racists all over the world found yet another justification for the racist prejudice they have always practised or wished to practise against Black people. In some European countries, African students were driven from universities straight to hospitals for screening tests for AIDS, lest they infect local nationals. Public hospitals, and some doctors in hospitals, refused to treat African patients till they had been tested negative for AIDS. Scores of African visitors to some European capitals were refused entry into the countries until they had satisfied immigration officials that they were not carriers of AIDS.

Even governments with reputations for progressive foreign policies also got infected (or exposed) by the demon of racism; they, too, compelled all Africans in their countries to have screening tests for AIDS, and yet the same was not done to White European tourists, especially from the United States. In this instance, financial rather than medical considerations prevailed; still, it was, in effect, racism.

Hysteria in Britain

In Britain, influential lobbyists and publicists in government circles took advantage of the theory that AIDS came from Africa, and stipulated that foreigners must have a test for HIV infection before they could enter and stay in the country. The campaign reached its climax when a "Whitehall Report," leaked to the *Sunday Telegraph* in September 1986, suggested that visitors from Africa "could be a primary source of infection and should be subject to compulsory tests." The editorial in this newspaper argued that:

"... it would be monstrous if ministers were to hold back from action lest they be accused of racial discrimination. For, in this instance, there is a positive duty to discriminate. In the matter of AIDS, Black Africa does have a uniquely bad record, and only harm can spring from pretending otherwise."

At one time, the *Daily Telegraph*, almost in a state of frenzy with racist rhetoric, referred to the "invading Black hordes," and warned that:

"... in a few days' time, hundreds of students from Zambia, Uganda and Tanzania will be arriving in this country. A significant proportion of them — possibly up to 10% — could be AIDS carriers."

Among some African governments, a counter-lobby began to build up, suggesting that citizens of those European countries who practised such racism against Africans should equally be subjected to laborious and extensive medical examinations when they arrive at African airports, since many of the Europeans may be found to be carrying either the HIV or some other infectious disease that is prevalent in Europe.

South Africa Joins the Campaign

Strange as it may seem, most White South Africans often think that South Africa is not

in Africa, but elsewhere. When the story spread that the HIV originated in Africa, racist South Africans did not consider themselves as part of the African community that was being accused. Instead, the Chamber of Mines (with government support) began a massive HIV screening test among African miners who come from outside of South Africa: Mozambicans, Malawians, Basotho, and so on, as well as those Black miners who came from the so-called independent bantustans.

Speaking to the *Weekly Mail* in May 1988, a spokesperson for the Chamber of Mines, Peter Bunkell, said that a total of 2 500 carriers of the HIV had by then been identified among African miners, the vast majority of whom were from Malawi. Another source within the industry claimed that the actual figure was almost 4 000, and that this number was doubling every eight months. He further stated that this figure represented an increase from less than 4%, when the miners were tested in the middle of 1986, to a total of 10% in 1988. Soon after, there was talk about repatriation of all miners found to be HIV carriers.

Bunkell admitted that in 1986, when the Chamber of Mines tested prostitutes on a voluntary basis, living close to the mining compounds, they discovered no incidence of the virus. Yet, despite this evidence, it was revealed by Jean Leger and Karen Jochelson in a paper published in the journal, *Critical Health* that the mines were being forced to repatriate terminally ill workers without any compensation.

White Miners Immune?

For reasons that only mystery, but not medical science, can explain, HIV in South Africa was avoiding White miners, who were neither tested for the virus nor found to be having any symptoms of infection. Of course, in South Africa, such a state of affairs is never regarded as odd, especially since, as the theory goes, it is Africans who are the prime carriers of this deadly virus. And precisely because racial discrimination is practised in South Africa, the White population (and their miners) have been protected from contamination with AIDS!

The issue developed into a heated debate among some doctors in South Africa, with Dr M V Gumede of the Kwa-Mashu Polyclinic saying in the *Weekly Mail* of 5th-12th May 1988 that the portrayal of AIDS as a disease from Africa was "a calculated racial insult." Much harm had already been done, Dr Gumede said, "particularly with actions like the expelling of Malawian mine workers."

Dr Denis Sifris of the South African Institute of Medical Research was quoted as saying:

"AIDS is AIDS. There is no African AIDS, no gay AIDS, no heterosexual AIDS. It is one disease, and it affects people."

He was echoed by Dr Guido van der Groen of the Belgian Institute for Tropical Medicine, who had been invited to South Africa for a seminar on the same subject, and who said:

"... there is no such thing as African AIDS. There are differences in clinical manifestations due to different pathogens."

Professor Hilliard Hurwitz, Johannesburg Medical Officer of Health, went further, to say that clinics around Johannesburg did not do routine testing for the AIDS virus, partly because the incidence of the test indicating "false positives" was higher in low-risk communities. Dr George Louw of Baragwanath Hospital, who heads the AIDS Committee, an inter-departmental working group of 14 medical staff, stated that:

"Surgeons recently did a large study on men who frequent shebeens and belong to gangs, but we did not find one positive HIV carrier. We start from the supposition that if we find no indications of AIDS amongst the more promiscuous groups, the chances are AIDS is not really a factor yet."

Similar queries were made by some African doctors in countries north of South Africa in respect of the experience of their own countries with the problem of AIDS. When the Nigerian Minister of Health spoke at a conference of health ministers in London at the beginning of 1988, some racists dismissed her queries, suggesting

that Africans found it difficult to admit anything that pointed a finger in their direction. The same piece of argument was used by the Panos Institute, an organisation founded in May 1986 "to provide independent information on Third World development issues," with offices in London, Paris and Washington. In a dossier released on November 25th 1986, the Institute stated:

"African governments have an understandable reluctance to reveal the scale of the problem before being able — and being seen to be able — to do something about it. They have legitimate fears of reducing tourist revenue, of damaging foreign investment, of stimulating fear and racism in donor countries. The facts of HIV in Africa are fragmentary and incomplete. They emerge from roughly five years of unsystematic testing for the presence of the virus. Much of the hard information is held in confidence by European medics, who have promised not to reveal it until one or another African government gives permission."⁴

The first public acknowledgement that a new epidemic was infecting human beings came in 1981, from the Centre for Disease Control (CDC) in Atlanta, Georgia in the United States. The CDC monitors infectious and other diseases in the United States, and publishes its information in a journal entitled, *Morbidity and Mortality Weekly Report* (MMWR).

First Aids Victims

It was this paper in 1981 that carried an article referring to a chest infection called pneumocystitis carinii pneumonia (PCP) which was appearing among young men.

What was strange about PCP was that it is normally a disease which the defence system of the body, the immune system, is able to keep under control. In fact, in adults it rarely causes illness. After World War II, cases of the disease were prevalent among those released from concentration camps, and still occur in regions where nutrition is poor and people are therefore not able to fight off the disease effectively.

However, these considerations did not apply to the cases being reported in 1981, and the rate at which this PCP was spreading caused special concern.

The next stage was that the CDC received increasing reports about young men coming to clinics with a rare skin cancer, Kaposi's Sarcoma (KS), which usually attacks only elderly men. It is very unusual in young men. The link between PCP and KS seemed to be that they were both occurring in people whose immune systems were weakened in some way, either by drugs, by malnutrition or by age. The other factor that seemed to link sufferers from this disease was that they were all homosexual men.

About a year after the initial reports, it was discovered that another important connecting factor among sufferers was that they were intravenous drug users. In San Francisco, most AIDS patients were homosexual men, while in New York the incidence of the disease was much higher among drug users and haemophiliacs.

By this time, it was clearly established that AIDS (as the disease was later called) was not an indiscriminate killer, threatening the whole population, as most epidemics had done in the past. Instead, it affected only those groups and individuals who practised homosexuality, used drugs intravenously or had had a blood transfusion from someone whose blood was infected with HIV. Up till today, these categories are referred to as 'high risk' groups.

Not Specifically An African Disease

This information was particularly useful because it gave a clue about the area of focus of the disease in the population, and this information served to dispel a lot of sweeping generalisations and racist myths about Africans being the prime carriers of the virus. Although, subsequently, other categories of people — such as women and children — were added to the list of those already infected with the virus, this development did not, and could not, wipe out of memory the truth that at the initial stage it was a disease that was closely

associated with homosexuality and drug abuse, and that this was first discovered in the United States and not in Africa.

Current statistics from the World Health Organisation state that, since 1984, AIDS has become the biggest single cause of death among men aged between 30 and 39 living in New York. By 1987, AIDS had also become the number one killer among women aged between 25 and 34 in the same city. An editorial in the *Journal of the American Medical Association* of September 1987 stated that:

"The loss of human life is staggering. By 1991, AIDS will be among the top ten leading causes of death in the United States, far exceeding all other causes of death for people between the ages of 25 and 40 years."

Elsewhere in the developed countries, the scourge had not, by 1987, become anything like as severe as in the United States. There is, undeniably, a quietly developing epidemic in countries like Britain, France, the Federal Republic of Germany and Brazil, yet the incidence of AIDS in the United States still leads the world.

By contrast, the earliest report of AIDS in African medical literature was in an article in the *East African Medical Journal* of September 1984. The article dealt with the case of a 34-year-old Ugandan journalist who had been admitted to the Kenyatta National Hospital in Nairobi in August 1983 with weight loss, fever, diarrhoea, skin rash and cough. After thorough examination, he was certified infected with HIV. He failed to respond to treatment, and subsequently died in May 1984. When the patient's history was traced, he was found to have undergone journalistic training in the Federal Republic of Germany from 1965 to 1968, and had lived in London from 1971 to 1979. He had no known record of homosexual practice, which is in any case taboo in African tradition.

'Kenyan Threat' a Myth

The writers of the article said:

"This patient appears to be one of the first known cases of AIDS in the African

population ... this case is reported to alert medical practitioners to the possibility of AIDS occurring in Africans and to emphasise the point that no race may be exempt from this highly lethal syndrome."⁵

Other reports of AIDS patients in Kenya appearing in the local press also showed that Kenyans were contracting the disease from areas where there was the greatest contact with foreigners. For example, according to the magazine, *New African*, of September 1986, a Nyeri man contracted AIDS in Mombasa, a coastal city with an American naval base, and also a popular tourist resort.

Even the British newspaper, the *Guardian*, on March 12th 1987, could not hide the fact that by 1987 there were only 286 confirmed cases of AIDS in Kenya, of whom only 38 had died; while in the same period 1541 cases were recorded by the Department of Health and Social Security in Britain, of whom 868 had died since 1982. Yet, when the myth spread that Africans were the prime carriers of HIV, the British army in Kenya banned its troops from visiting Kenya's coastal resorts in case they contracted AIDS from prostitutes. So ridiculous was the move that it compelled Dr Jonathon Mann, head of the AIDS programme of the World Health Organisation, to comment that travellers faced no greater risk of contracting AIDS in Kenya than anywhere else.

Indeed, if the virus has been in the blood of Africans longer than in that of anyone else, why is it that they have withstood its effects better than Europeans and Americans? This question is crucial, because the *Guardian* of March 12th 1988 referred to the fact that only 13% of Kenyans suffering from AIDS had died — a sharp contrast with figures from Europe and America, which are on an average of 50%.

Growth in the United States

By the end of 1981, a total of 252 cases had been found in the United States. The number of patients was doubling every six months. By March 1983, an average of five cases every day were being reported to the

Centres for Disease Control. By the end of 1983, cases totalled 2 643. By April 1985, United States cases totalled 10 000, over half of whom had been reported in the previous year. Four years after the initial reports had been revealed in the United States, 15 775 cases were on record.

Observers of this development noted that, from the earliest days of reporting until mid-1983, most American cases were in the large cities on the east, west and south coasts (New York, San Francisco, Los Angeles and Miami), from where they spread to the centre. Today, the disease has spread all over the United States, including small towns and rural areas.

Perhaps it may be argued that the incidence of AIDS in Africa is not determined by the arbitrary pen of a statistician who holds African people in low esteem, but rather that this conclusion is a result of evidence collected through massive screening conducted in African countries to check the prevalence of HIV infection and AIDS.

Moreover, Green and Miller, in the book mentioned earlier, have already advanced an argument that blood collected in African countries, dating from as far back as 1959 and kept in blood banks, has already been screened and found HIV positive. These two writers also talk about studies of blood samples collected in Central Africa in the mid-1960s, which shows that even by that time there were people who were probably infected with HIV. They write:

"Two-thirds of sera collected in the West Nile areas of Uganda in 1972-3 showed evidence of infection with HIV or with some closely related virus ... The earliest sera to show HIV there date from 1978, suggesting that it was present in Africa some time before appreciable numbers of people were infected in the United States. Since the late seventies, the virus has been spreading particularly rapidly, until today the position in Africa appears increasingly desperate. It has been estimated that as many as 10% of adults in parts of Central Africa may be infected with HIV."

Let us look closer at these very AIDS screening tests, and check their accuracy in determining African AIDS infection.

AIDS Screening

When a person has been infected with HIV, the body produces antibodies to that particular virus. Standard tests for HIV screening do not identify the virus, but search for the antibodies, which stick to the virus or bits of virus studded in the cell wall. Someone infected with HIV produces not just one type of antibody, but several, against different bits of the virus.

The problem presented by the HIV is that it attacks precisely these antibodies that are meant to kill or neutralise it. Therefore, locating antibodies meant to neutralise the HIV is a very important (or the principal) method of research into HIV infection. In other words, according to this principle, finding out whether someone's blood has antibodies to HIV is a sure way of determining whether that someone has been infected by the virus, and is therefore equally infectious.

The first test designed in the United States for testing antibodies to HIV was based on a technique called enzyme-linked immunosorbent assay, or ELISA for short. This type of test for antibodies can exist in a number of different forms, but they all share the same basic technology. The test is commercially produced, and has been the main (but not the only) means of ascertaining HIV infection all over the world, including (at a later stage) Africa. The results of its function have given cause for the development of dangerous racial attitudes.

The ELISA test uses viral proteins, to which antibodies in the blood sample attach themselves. An enzyme is added, which then attaches itself to the antibody. When another chemical is added, this enzyme turns the solution a different colour.

The solution is frequently washed, so that anything not bound to the viral proteins (either directly or in chemical complex) is washed away. If, therefore, there are no antibodies to the virus in the blood sample, the enzyme will have nothing to attach itself to, washing will remove it, and therefore there will be no change in colour — meaning a negative result.

There is a variant of this test, which does

not rely on an enzyme to change the colour of the solution, but uses a technique called immunofluorescence, where certain chemicals show up, or 'fluoresce,' under ultra-violet light. In this test, the presence of antibodies to HIV fluoresces.

Tests Not Foolproof

One of the first commercial tests based on the standard ELISA process to receive licence from medical authorities came from Abbot Laboratories. This is still regarded as the standard test in most hospitals that screen for HIV infection in the world today. In a press statement in March 1985, Abbot itself claimed that its test identified 47 positive results in 18 000 samples of blood, indicating what it terms "excellent specificity."⁶ Abbot, however, failed to mention how many of these 47 positive results its tests had falsely labelled as positive.

ELISA screening tests are not foolproof. False positives and false negatives do occur. An ideal laboratory test does not exist, because infections in people do not generate uniform or variable results. Since response to infection in a host is biological, the range of response can be highly variable, and often changes over time. Test results, therefore, are most often measured on a continuing scale of response, even if they are reported, or interpreted, as a positive-negative dichotomous response.

Given the fact that, when AIDS screening tests are conducted in Africa, they are done only once in a large population, it can be expected that some people in any population studied may have a relatively highly reactive test, even though they are not infected, and some people who are infected may have a weakly reactive test. At the level of mass screening, a degree of overlap in test response can be expected, between the infected and the uninfected.

Contradictory Results

Of course, the higher the intrinsic quality of the test, the more accurately it will separate those who are infected from those

who are not. However, for HIV antibody screening, most of the enzyme-based tests (including those using the ELISA process) have a specificity and sensitivity far less than 100%. In Britain, in mid-October 1985, one HIV screening test found that one in 210 people were HIV positive. When the same tests were repeated on the same people, it was found that only one in 11 300 people were HIV positive. When confirmatory tests were again conducted, it was found that only one in 56 000 people were HIV positive.

Of course, these repetitions and confirmations could be made in British hospitals without a fuss, because they have the funds to do that. The same does not happen in Africa, where one testing process is regarded as sufficient to make all manner of racist conclusions about AIDS infection.

Petricciani *et al* remark:

*"If screening tests were perfect, a separate confirmatory or diagnostic procedure would not be necessary."*⁷

And, since screening tests are not perfect, a second type of test or procedure is necessary, to determine whether or not infection is present. This is particularly so in the case of Africa, because, according to Drs Steve Connor and Sharon Kingman:

"The tests themselves were more likely to be inaccurate, primarily because of the type of reagents in the test, but also because there are more antibodies in the blood of people in Africa than in people living in more temperate climates. There are more diseases and infections in tropical and semi-tropical areas, and so the immune systems of people living there have to cope with a greater number of foreign particles entering the body, thus producing more antibodies."

They then make this important remark:

"Unfortunately, high level of antibodies in the blood can cause the HIV test to identify an antibody wrongly as being an antibody to HIV. Some scientists have described the blood of people living in Africa as "sticky," meaning that there are many antibodies that can stick to a test kit and so give a false positive. Scientists have reported that the

early HIV tests have, for instance, given positive results for people infected with the parasite that causes malaria, although these people are not, in fact, infected with HIV."

In one of over 2 500 frozen blood samples that doctors had collected between 1981 and 1984 in five African countries, 9.3% proved positive for HIV overall, and in one country the rate was over 23%. A more detailed analysis of the tests later, using another technique (called the Western blot method), showed that the vast majority of these were false positives. In fact, in this group of people, the scientists could confirm only two blood samples as being antibody positive. The researchers in this study, mainly from the Tropical Diseases Research Centre in Zambia, said that the results they had collected showed that, before 1984, the frequency of HIV in Africans was less than that in many European countries, and that:

"The epidemic of AIDS started in central equatorial Africa at about the same time as the epidemic in North America."

A detailed analysis of the results of blood tests in Africa, therefore, seem to dispel the popular myth, which has been claimed by many believers in Europe and America, that the HIV originated in Africa and then spread to the West.

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OBITUARY

IKHUTSE MODIREDI WA AFRIKA

On August 19th, the ANC and the South African community in London paid its last respects to Comrade Edward Bassie Rakodi, who was cremated at the Golders Green Crematorium. His mother, Wilhepina Lelata Rakodi, came all the way from South Africa to bid farewell to her son.

Comrade Bassie — as we all called him — was born in Johannesburg on June 14th 1944, his parents having left the Zeerust area in the northern Transvaal in 1932. They were migrant labourers. Bassie's father died in 1945, leaving behind two sons and one daughter.

Bassie could not go far at school because of poverty at home — his illiterate mother had to raise three children on her own. Bassie had to look for work. He also used his musical talent, singing with a musical quartet composed of youngsters, popularly known in and around Johannesburg as the 'Shelton Kids.' In this way, he effectively assisted his mother in supporting the family.

In 1964, at the age of 20, Bassie left his home and South Africa to join those hundreds who had answered the call of the ANC. He joined the newly-formed Umkhonto We Sizwe (the military wing of the ANC). Some of his friends had been arrested, and others were already out of the country. Zeerust, where his parents came from, had just experienced one of those brutal repressions that rural populations all over the country experienced in the late 1950s.

Bassie Rakodi became part of the first generation of Umkhonto We Sizwe veterans — *umgwenye*. These are men and women who sacrificed everything, including their youth, to make the ANC what it is today. Bassie underwent military training in Africa and abroad. He was an unassuming soldier of the ANC, and this quality of his gave him strength during those difficult years in ANC camps in Kongwa, Tanzania and elsewhere.

We should remember that the 1960s were difficult years in the history of our struggle. The leadership of the ANC was either in gaol or in exile. On the ground, the mass movement was almost totally smashed. In 1964, Tanzania was the one independent African state nearest to South Africa. Bassie and his comrades loyally and patiently followed the instructions of the leadership.

When, in 1967, the ANC made preparations for the operations in Zimbabwe, Bassie was there, and even after those hard times in what was then Rhodesia, he found himself back in the ANC camps. This was the time when the ANC was preparing for the 1969 Morogoro Conference. Bassie was involved in the furious pre-conference preparations, helping to formulate the policy of the ANC for the 1970s. When many comrades were frustrated, tired, angry or deserting the movement, Bassie was ever smiling, singing his favourite song: *Unzima lomthwalo*.

When the Soweto uprising broke out in 1976 — the time when a section of the ANC

machinery externally was geared towards receiving thousands of victims of apartheid brutality and barbarity — Bassie was not there; he was studying in the German Democratic Republic. It was there that he became acquainted with aspects of the international work of the ANC. After finishing his studies in the GDR, he went to London, where he became involved in some aspects of the Anti-Apartheid Movement.

Bassie never had enemies within the movement, though he differed with some people — that is normal. He had many enemies, but these were the racists, the imperialists and the colonialists.

What does the life of a man like Bassie mean to us?

Bassie died at the age of 44; his mother, who is 74, is still alive. She is in South Africa, living under the conditions we all know. Exile life — the mere fact that you are remov-

ed from your people, from your roots — that is in itself a killer. Apartheid is killing us everywhere. The lesson is that we must all do something to remove this killer which is apartheid. Bassie saw this need. That is why he joined the ANC. After 24 years, Lelata Rakodi, Bassie's mother, had to go to London to see her son in a coffin. That is what apartheid means.

Bassie belongs to that young generation of our people that followed Mandela, Sisulu and Tambo. His sacrifices, and those of his generation, have led to the crisis that is taking place in South Africa. The Boers are no longer in control of developments in Southern Africa.

This is the everlasting contribution of people like Bassie to that situation — ordinary, working-class people who, through sheer loyalty to the movement and dedication to the cause of our people, have strengthened us all.

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