

Chapter Eleven

POLITICAL TRIALS AND DETENTIONS

THERE WERE about a dozen political trials of significance in the political activities of individual Blacks and Black organisations in 1973.

Highly featuring were the two trials under the Terrorism Act in which the state alleged acts of subversion by the accused.

(a) *The Moumbaris Trial*: The accused in this case appeared briefly in the Pretoria Supreme Court on November 24, 1972. They were not asked to plead but were remanded to January 15, 1973.

The six men were all being charged in terms of the Terrorism Act.

They were accused of having conspired to overthrow the Republican Government from outside the country and eventually entering the country with the aim of carrying out 'subversive' acts.

(b) *The Mangena Trial*: Whereas the accused in the Moumbaris Trial were alleged to be working for a banned organisation, the ANC, and undergoing training in foreign countries, the accused in this case had not left the country at any time for 'subversive' training and belonged to an organisation that is not banned, the Black People's Convention, which operates within the country.

Another point worth consideration is that although the judgment failed to prove that the accused had worked in common purpose with the BPC as a political organisation, or that the BPC was a natural successor to the ANC and PAC—both banned organisations—the accused was still given a 'statutory minimum sentence' of 5 years imprisonment.

1. Moumbaris Trial (January 15, 1973 to June 10, 1973)

THE ACCUSED: Alexander Moumbaris, 34, an Australian of French extraction; Tloi Theophilus Cholo, 45, of the Transkei; Maqina Justice Mpanza, 34, of Natal; Petros Haron Mtembu, 37, of Natal; Gardiner Sandi Sijaka, 30, of the Transkei; John William Hosey, 23, an Irish citizen.

INDICTMENT: The men are charged jointly with contravening the provisions of the Terrorism Act of 1967. There are a total of 19 counts, in each of which one or more of the accused are mentioned. Moumbaris is mentioned in 10 counts, Cholo in 5, Mpanza in 6, Mtembu in 6, Sijaka in 7 and Hosey in 2.

All the accused except Hosey are included in count one, in which the men are charged with taking part in 'terroristic' activities. They are alleged in this count to have conspired with one another, with the banned African National Congress and with other people, to instigate and encourage violent revolution. They are alleged to have been members and/or supporters of the ANC and to have conspired in South Africa, Russia, England and Somalia between January 1, 1970 and July 19, 1972.

The four Black men are alleged in count one to have agreed to commit certain acts for the purposes of the conspiracy. They allegedly agreed to secretly enter South Africa, bring arms, ammunition and explosives into the country and bring materials for secret communication into South Africa. It was also alleged that they agreed to establish a system of secret communication and that they agreed to recruit people in South Africa, form them into groups and train them in 'warfare and subversion'.

Moumbaris allegedly agreed to do anything necessary to help the four Blackmen and other people. The other people the five are alleged to have conspired with are Dr Dadoo, Mr Slovo, Oliver Tambo, Mr Nkosane and D. Young.

In count two, the Black men were alleged to have had, attempted to have, or agreed to have military and political training in Russia and in African states north of the Zambesi between 1962 and June 1972. The training—in propaganda, guerilla warfare, terrorism and subversion—could be of use to anyone intending to endanger the maintenance of law and order, the State submitted.

The next four counts related to Moumbaris and it was alleged that he harboured, concealed or helped 'terrorists'. He was alternately charged in these counts with taking part in terrorist activities. He was alleged to have, in June and July, 1972, assisted people in entering South Africa secretly from Swaziland and Botswana.

In the last 13 counts, all six accused were charged with taking part in terrorist activities. They allegedly committed or attempted to commit a

number of acts, acting 'in the execution of a common purpose with the ANC to make war and to incite violent revolution'.

COURSE OF THE TRIAL: Mr C. Rees, for the State, began his argument with an account of 'terrorist training camps' based in Tanzania and Zambia and being run by the ANC.

People were recruited in South Africa and taken out of the country to be trained in 'terrorist warfare'. The camps 'were used as dispersal and reception depots for people to be sent to countries such as Russia'. In 1971, a group of about 24 people went for training to Russia. Four of the accused were among this group, and the training was to effect seaborne landing into South Africa. Two attempts were made to reach South Africa by boat from Somalia, but trouble was experienced and the group returned to their base in Somalia.

At this time Moumbaris was active in South Africa, sending and receiving messages from England. These messages were supposedly in connection with the trouble his mother was having in coming to South Africa. However, the state would show that the messages concerned the trouble the 'terrorists' were having with their 'mother' ship. Plans to enter the country by ship were abandoned and new plans were made for the group to enter South Africa by air through Swaziland and Botswana.

Three state witnesses—Kumulele Menye, Silumani Gladstone Mose and Nicholas Kumbela—all gave evidence implicating the six accused and corroborating the State's charges. All three were reported to have been 'self-confessed terrorists'. (*The Star* 14/3/73).

The State's case rested heavily on the evidence of these men who had all left South Africa to become 'freedom fighters'. Menye claimed that Moumbaris was his 'contact man' who assisted him in gaining illegal entry into South Africa. Menye also stated that all the Black accused excepting Mtembu were taken to a Russian naval base where they were instructed in the use of explosives, rowing by day and night, shooting and the use of grenades. This group was finally met by Oliver Tambo, Dr Dadoo, Mr Mtembu and others. His group was told it would return to South Africa by ship and they were shown maps of the Eastern Cape coast.

Kumbela gave an account of how two attempts to enter South Africa by ship failed. Because of this, plans were made to come in via Botswana and Swaziland.

JUDGMENT: Mr Justice Boshoff convicted all six accused. The two foreign whites, Moumbaris and Hosey, were sentenced to 12 and 5 years respectively. The four Blacks, Cholo, Mpanza, Mtembu and Sijaka, were each sentenced to 15 years. In convicting the four Blacks, the judge found that the state witnesses Menye, Mose and Kumbela were intelligent state witnesses who had adopted 'the game is up' attitude and did not harbour

hostility toward any of the accused. While he found state witnesses honest and reliable, he could not say the same of the four Black accused. There were no applications for leave to appeal by any of the Black accused. Leave to appeal was refused in the case of Moumbaris and allowed in the case of Hosey.

As the four Blacks were led from the dock to serve their 15 year sentences they all clenched their fists in the Black Power salute.

2. The Mangena Trial

THE ACCUSED: Aaron Mosibudi Mangena (26).

THE INDICTMENT: The state alleged that the accused participated in terrorist activities and he was charged under the Terrorism Act.

COURSE OF THE TRIAL: The State alleged that the accused attempted to recruit persons in South Africa to undergo political and military training for overthrowing the Government. Mangena, who was the national organiser of the BPC, was alleged to have met and encouraged two state witnesses to become members of the BPC and that they would be required to recruit people in the Republic to undergo political and military training for the purpose of overthrowing the Government of the Republic. Both the state witnesses were African police sergeants. They said that they were both from the Transvaal and that they had met Mangena on a train to Port Elizabeth. They alleged that he had said that the BPC aimed to liberate the Black man from his oppression.

Young men would be sent overseas for military training and would learn how to make letter bombs. On their return they would kill the whites, black policemen, indunas, captains and the Black ministers in the homeland.

Counsel for the defence said that there was a conspiracy on the part of the security police to involve Mangena. He found it strange that Mangena would disclose such dangerous information to strangers on a train. Mangena denied that he had tried to recruit the two state witnesses or that he had mentioned military training for the use of letter bombs.

JUDGMENT: The court agreed with the defence, said the judge, that the State had failed to prove that a common purpose between the BPC and Mangena existed. However, the court found that it could not accept Mangena's version of what occurred and his evidence was rejected. The judge added: 'we might mention that we do not find the demeanour of the accused was unsatisfactory or that he gave his evidence in a manner that could be criticised. He appeared at ease and spoke without hesitation. We do, however, not believe him and we do not think his evidence could reasonably have been true'. The court would not accept the contention by the State that the BPC was the natural successor to the banned ANC and PAC merely because of certain similar objectives. He then imposed the

statutory minimum sentence of 5 years imprisonment after finding him guilty and on an alternative count under the Terrorism Act.

3. The 'Racial Hostility' Trial (January 31, 1973—August 31, 1973)

THE ACCUSED: Sathasivan Cooper (25), Revabalan Cooper (20) Pojandran Gungiah Chetty (25), Kubenthiran Lawrence Reddi (23), Timothy Colin Jeffrey (22).

THE INDICTMENT: The State alleged that the five contravened the 'Bantu Administration Act' between January 31 and February 2, in that they uttered words or distributed pamphlets containing 'words that would promote feelings of racial hostility between Africans and Whites'. It was further alleged that there was an agreement between the five men. Mr Sathasivan Cooper was allegedly responsible for the printing, while the others distributed the pamphlets. The pamphlets, in Zulu and English, were headed by the words, 'Black People's Convention' and bore a print of two Black clenched fists severing a chain. (*Rand Daily Mail* 21/6/73).

THE COURSE OF THE TRIAL: All five accused refused to plead to the charges when asked to do so by the magistrate. 'It is only the white oppressors who should be here charged with hostility to Blacks', said Mr Sath's Cooper who was the public relations officer of BPC up until his banning and house arrest in March 1973. Revabalan Cooper in refusing to plead said: 'I do not recognise the authority of this court', while Chetty declared that he could not plead to white racists. Reddy stated that it was against his principles to plead to the charges and Jeffrey found that he 'could not plead in a court for white people, run by white people'.

After the closure of the state case, Sath's Cooper read out a prepared statement in his defence. In it he said that the distribution of pamphlets which said that the survival of Blacks depended on 'our joint action as Black people', was decided on as a result of 'white retaliation' to the recent strikes in Natal.

The English-language pamphlet had not been anti-white neither was it intended to create feelings of animosity between any of the race groups. Its main aim had been to effect greater solidarity and unity among Blacks.

The Zulu-language pamphlet was designed to have the same effect, but was directed solely to Africans. (*Rand Daily Mail* 8/6/73).

The chief and real intent of the Zulu pamphlet was to show that Coloureds and Indians were as oppressed as Africans. Generally, Coloureds and Indians on the one hand and Africans on the other were appealed to not to be misled by whites, but to unite for freedom from white oppression', Mr Cooper said (*Natal Mercury* 21/6/73).

Laying the basis for his statement from the dock, Mr Cooper said that whites, by their arrogant aloofness from Black people and the numerous

measures they had enacted and were putting into practice against Blacks, had assumed the role of enemy to the Black people (*Post* 1/7/73).

He then went on to show how the Black People's Convention had taken on the responsibility of bringing Black people together. 'This organisation and evolution of the Black people as formulated by the BPC is a legitimate expression of a people denied in all aspects of their lives and should not be arbitrarily murdered out of existence by arrests, bannings and fear as a result of the power of the gun, brute force and a base and vile system of informers and pimps'. *Ibid.*

Earlier in the trial the defence counsel for the five accused, Mr T.L. Skweyiya, said that one of his clients Mr Saths Cooper, had been forced by the police to make a statement (*Natal Mercury* 20/6/73).

JUDGMENT: Mr van Zijl said that the State had not proved that the pamphlets were handed out with the intention of promoting feelings of racial hostility between Black and white. It was clear that the accused had taken advantage of the fact that labour forces in the Durban-Pinetown area were in a state of disruption due to strikes by 'non-white workers'.

Mr Van Zijl had no comment to make on a submission by counsel for the defence that some political leaders of Bantustans made speeches far more inflammatory than those in the pamphlets distributed by the accused.

'The pamphlets advocate unity between 'non-whites' as against whites, but nowhere is there any suggestion of unlawful agitation, nowhere is there any exhortation to acts of violence'.

Four of the accused were found not guilty and discharged. At the close of the state case, the fifth accused, Mr Kubenthiran Lawrence Reddi, 23, was discharged.

4. The Racial Hostility Trial: (March 31—December 1, 1973)

THE ACCUSED: Mr Maithwe Nchaube Aubrey Mokoape (28), Harri Singh (28) and Chanderdeo Sewpersadh (37).

INDICTMENT: The State alleged that on March 21, the accused addressed a gathering at the Kajee Hall, Leopold Street, Durban. The meeting had been called on the anniversary of the shooting of 69 Africans at Sharpeville on March 21, 1960. It was alleged that the speeches of the accused contained words that promoted feelings of 'racial hostility'. The State alleged that Mokoape referred to the Black people who were 'killed callously without mercy because they dared to say "no" to the whiteman's laws'.

The theme of liberation is worded by the blood of the masses. It was further alleged that Mokoape said: 'the white man has become sub-human, the white man is in the way of becoming a devil, the white man has become a beast'.

It was alleged that Singh had said that the Black people should fight until

their country which had been taken from them by force was theirs again. Singh allegedly made reference to the 'limbo of slavery' and to the 'gestapo type of attacks, the atrocities and brutality of the white man'. Singh allegedly concluded by exhorting the people to fight against the war of discrimination and degradation.

COURSE OF THE TRIAL: Sewpersadh was released on warning before the start of the trial. Mokoape and Singh both refused to plead in a court which they said: 'was an extension and a tool of the sadistic white racist regime'. When asked by the prosecutor to plead, Singh said: 'the South African courts are an extension and a tool of your sadistically oppressive white racist regime and I refuse to plead in a court that perpetuates this racism'. Mokoape said: 'I have no desire, nor do I feel obligated to plead in a court which is enforcing laws in whose making I was not consulted'.

'These laws are hostile to my very being and for me to plead would be for me to co-operate in my own slavery. My sanity prevents me from doing that'.

The court entered pleas of not guilty for both men.

Evidence was led that a certain Captain Pretorius sent two of his men to the Kajee Hall in Leopold Street, after several pamphlets advertising a meeting to commemorate Sharpeville had come into his possession.

One of his men carried a transmitter. Before the meeting began, Captain Pretorius stationed himself in a car and began making recordings on two tape machines. Transcripts of what was allegedly said at the meeting were attached to the charge sheet.

At the end of the first sitting the State opposed an application for bail for Mokoape. The State claimed that the accused was likely to abscond and not stand trial. However, defence counsel pressed for bail and Mokoape, a final year medical student, told the court that he was married and with a child. He said that he had a great love for the Black people of South Africa and that he had no desire to leave the country. Bail of R250 was granted but he was ordered to report to the Wentworth police station twice a day.

JUDGMENT: The Magistrate, Mr Howser, said that the pamphlets advertising the meeting showed antagonism to whites and it would not have been difficult to stir up these sentiments later in the hall. The magistrate said that Singh's speech was more irresponsible than that of Mokoape and that Singh therefore deserved a heavier sentence. The magistrate fined Harri Singh R100 or 50 days imprisonment with a further 9 months imprisonment conditionally suspended for 3 years. Maithwe Nchaube Aubrey Mokoape was fined R75 or 1 month imprisonment and an additional 7 months imprisonment was conditionally suspended for 3 years.

5. The U.N.B. Trial

The accused in this case were all students at the Medical School of the University of Natal, Black Section.

ACCUSED: Tebogo Mokgoro, Norman Dubazana, Cornelius Moalusi, Musa Mdlalose, Thabo Seseane, Siyolo Solombela and Kwandiwe Stofile.

INDICTMENT: The accused were charged with assault with intent to do Grievous Bodily Harm (GBH). It was alleged by the State that on 25 March the accused assaulted members of the Police Force at a meeting held at the Alan Taylor Residence.

COURSE OF THE TRIAL: It was revealed before the Court that the said date of the incident was in Commemoration of Heroes Day, which fell every 21st day of March at U.N.B. The said meeting was therefore being taken seriously by the students and other Blacks attending. And that during this commemoration the presence of visitors suspected of being Security Branch Officers or agents was highly undesirable. The policemen allegedly assaulted by the accused in the case had been marked out by certain students as belonging to a group of Security Branch members who had disrupted the distributing of pamphlets by students in the Durban centre the previous day 24 March.

The accused denied having assaulted the policemen and claimed there was general disarray at the meeting when the alleged assault took place.

The people attending the meeting had all been aware of the policemen's refusal to leave when asked.

Further defence claimed that this particular case, a criminal one, had been handled by members of the Security Branch and the Drug and Vice Squad attached to it. Whereas, the claim went on, as normal with criminal cases, it was members of the CID that the accused expected should have handled the case.

Thirdly, it was alleged that third degree interrogation methods had been applied on some of the accused while they were being kept at the Point Prison, which jail was normally for long-term prisoners. Bail had also been refused and the accused claimed they had been kept in seclusion from the other prisoners.

Soon after the beginning of the trial, the two state witnesses, also students, were disqualified as witnesses and a perjury charge was laid against them. The two witnesses are Mahomelele Kgwedi and Donald Chiloane. The State claimed perjury in their testimonies.

Subsequently bail was granted to the accused. And so far three of the accused have been acquitted.

The trial continues. Those facing further trial are: Dubazana, Seseane, Mdlalose and Solombela.

TRIALS AGAINST BANNED PEOPLE

6. **Bokwe James Mafuna**

Bokwe Mafuna (34) was charged in terms of the Suppression of Communism Act with failing to report to the police in Alexandra Township on Monday April 9. Mafuna refused to plead. However, he made a lengthy statement from the dock.

In passing judgment the magistrate said that Mafuna had refused to take part in the proceedings and had not given an explanation why he had failed to report to the police. He said further that Mafuna had made it clear from his political address that he did not accept the laws of the country. The magistrate found Mafuna guilty and sentenced him to 12 months imprisonment 9 months of which were conditionally suspended for three years.

Mafuna was Branch Executive and Project organiser for the Black Community Programmes until his banning. He has since left the country.

7. **Barney Nyameko Pityana**

Nyameko Pityana (27) was charged on 6 counts of contravening the restriction order served on him under the Suppression of Communism Act. The six charges he faces alleged that Pityana received visitors and had attended social gatherings. Only on one of the counts was Pityana discharged. It is alleged that he entertained members of the Western Cape Saso branch who were on their way to a Cape Town meeting. It was further alleged that he received a visitor at his home on April 22. Pityana pleaded not guilty.

Pityana was found guilty on 5 counts, a sixth being withdrawn by the State. He was found guilty of having a person in his home, two counts of having visitors in his home, and seeing a group of people in a car outside his home. The magistrate said that Pityana had taunted policemen keeping him under observation by giving them a clenched fist salute after talking to a group of Saso officials. The magistrate sentenced Pityana to a total of 18 weeks imprisonment. Mr Pityana has appealed against his sentence. Until his banning he was Secretary-General of Saso.

8. **Jerome Leteane Modisane**

Jerome Leteane Modisane (24) was charged in terms of his banning order for failing to report to the police and of wrongfully attending a social gathering.

It was ordered that he be detained until the rising of the court when he was found guilty of failing to report to the police.

He was sentenced to a further 4 months all of which was suspended for 3

years on condition that he doesn't contravene any of the provisions of the ban served on him during the period of suspension, when he was found guilty of attending a social gathering. He was found not guilty and discharged on one count of attending a public gathering and of communicating with another banned person. Jerome Leteane Modisane was president of Saso until he was banned on March 8, 1973.

9. Henry Eric Isaacs

Henry Eric Isaacs (24) was charged with contravening his banning order in terms of the Suppression of Communism Act. It was alleged that he communicated with other members of Saso and that he had in his possession books banned by the Publications Control Board. Evidence was led that 2 letters written by Isaacs had been found by security police in the possession of a Saso courier at D.F. Malan airport, Cape Town, on August 7. They had been addressed to alleged members of Saso. It was further alleged that 6 banned books of a political nature had been found at Isaacs's home, on August 9, during a security police search. Isaacs pleaded not guilty to both charges.

Judgment has been reserved in the Regional Court, Pietermaritzburg until January 18. During the course of the trial Isaacs's application for bail was refused. H.E. Isaacs was President of Saso until his banning on July, 26 1973.

10. Winnie Mandela and Sexforth Peter Magubane

Winnie Mandela (37) and Sexforth Peter Magubane (39) appealed against their sentences of 12 months for contravening their banning orders. This will be the second attempt at getting an acquittal.

They were convicted on May 10, 1972, in the Johannesburg Magistrate's Court to 12 months imprisonment. They appealed against the sentence and their appeal failed in the Supreme Court in Pretoria. However, leave to appeal was granted and bail of R300 was extended pending the outcome of the further appeal. The appeal will now go to the Appellate Division in Bloemfontein.

They were convicted of communicating with each other in May last year and as banned people this is a violation of their banning order.

11. Stanley Sabelo Ntwasa

On September 11, 1973, Stanley Sabelo Ntwasa (26) was on trial charged on two counts in terms of his banning order, for allegedly having attended a social gathering and communicating with another banned person. He was acquitted on the second count and convicted on count 1, and sentenced to 6 months imprisonment suspended for 3 years. This was the second occasion

Sabelo got a suspended sentence on a trial of this nature. On the 25 September, 1972, he was tried for allegedly being outside his place of residence after 6 pm, which he may not do according to his banning order. He was also being tried for attending a social gathering. On this occasion he was convicted on both counts and sentenced to 6 months imprisonment, suspended for 3 years.

APPEALS

(a) *The Essop Trial*: Two of the four accused in the Essop trial of November 1972, Indrasen Moodley and Yousuff Hassan Essack, appealed against their convictions and sentences of five years imprisonment under the Terrorism Act. Their appeals were upheld by the Appellate Division in Bloemfontein, on 28 September, 1973.

In a 73-page judgment, Mr Justice Miller said that the trial judge had erred in several material respects in rejecting Mr Essack's evidence. He said further that the State had failed to prove that Mr Essack knew the envelopes in question contained subversive material and consequently did not prove the conspiracy charge in the main count.

With regard to Mr Moodley, Mr Justice Miller said that Mr Moodley had told the trial court that Mr Timol had at no time discussed communism with him or attempted to convert him to the ideas of communism. He found the trial judge had erred when he rejected Mr Moodley's evidence in the absence of any evidence in contradiction. The State had failed to prove that in handing copies of the pamphlets to the two people, Mr Moodley did so with the intent to endanger the maintenance of law and order in the Republic, and a conviction under the alternative charge was not competent (*Rand Daily Mail* 29/9/73).

(b) *Robben Island Court Interdicts*: The wives of two political prisoners of the Pietermaritzburg Terrorism Trial, Mrs Nina Hassim and Mrs Deviki Venketrathnam, both asked for court interdicts to have prisoners' privileges restored to their husbands. They alleged that their husbands on Robben Island had been unlawfully deprived of certain privileges since November, 1972.

The allegations said in sworn affidavits that the privileges were withdrawn after their husbands had signed a petition recording prisoners' grievances. The prisoners involved are Mr Kader Hassim, a Pietermaritzburg attorney, and S.K. Venketrathnam, an attorney's articled clerk, who were convicted with eleven others under the Terrorism Act in the Natal Supreme Court in 1972.

According to the affidavits of their wives, the two men enjoyed certain

privileges until November 1972. They were allowed to smoke, to read books, study and play games such as chess, cards etc. Kader Hassim was placed in solitary confinement from November, 1972 (*Leader* 22/4/73).

Mr Justice Diemont ruled in the Cape Supreme Court that the detention of Kader Hassim in solitary confinement in the Robben Island prison was illegal and ordered the commanding officer of the prison to 'remove him from segregation and solitary confinement'. The Commanding Officer was further ordered to make available on request a copy of the Prisoner's Act and the prison regulation to Hassim. Application for an order entitling Hassim to pursue a course of university studies, have the prison library made available to him, and have handed to him the annual survey of South African law and other books he may be sent, was refused as was an order restoring privileges of smoking and taking part in recreational games.

A similar application with the same orders made on behalf of S.K. Venketrathnam was refused except in relation to the Prison's Act and prison's regulation which the commanding officer was ordered to supply on request. S.K. Venketrathnam had not been placed in segregation or isolation. Only his privileges were withdrawn.

Mr Justice Diemont found that some of the reasons advanced by the prison authorities for their decisions against Hassim and Venketrathnam were most unsatisfactory. But it 'does not follow that the court can interfere with those decisions'. He felt that it was not within the jurisdiction of the court to restore the privileges of both prisoners (*Natal Mercury* 5/4/73).

DETENTIONS

Detentions under Security Laws

Detentions under Proclamation 17

During the 1973 parliamentary session, Mrs Helen Suzman (Progressive Party) asked the Minister of Police how many people had been arrested and detained during 1972 under regulation 19 of Proclamation No. 17 of 1972, and how long each person was detained. She also asked whether any such people were still in detention in 1973.

In reply, the Minister said that 303 people were arrested and detained in 1972, and that none of them was still in detention in 1973 (Hansard I, p. 1, February 1973). Those detained under Proclamation 17 had been held for periods ranging from 2 days (5 persons) to 101 days (1 person). The largest number (125) had been detained for 59 days, while 44 were detained for 48 days.

Detentions under the Terrorism Act

When questioned on the number of people detained during 1972 under Section 6 of the Terrorism Act, the Minister of Police refused to disclose the information as not being in the public interest. He did confirm, however, that eleven people had been charged with contraventions of provisions of the Terrorism Act, of whom three had been convicted to date. (Hansard 1, p. 18-19).

Detentions under Proclamation 400 of 1960

In April 1973 the Minister of Police, replying to a question in parliament, revealed that 6 people had been detained in 1972 in terms of Proclamation 400 in the Transkei. None was charged and five were later released (Hansard 9, p. 615).

Detentions under the Criminal Procedure Act

In March 1973, the Minister of Police disclosed that 16 people had been detained during 1972 in terms of Section 215 (bis) of the Criminal Procedure Act. The periods of detention ranged from 3 days (1 person) to 80 days (1 person), and none was still detained at 31 December 1972 (Hansard 7, p. 520).

Detentions in Ovambo

In April 1973, the Minister stated that 303 people had been detained during 1972 in terms of emergency regulations in Ovambo. Of these, 114 were charged and convicted, 28 were acquitted and 161 were released without being charged. As at the end of December 1972 none of the 303 was still in detention (Hansard 10, p. 631).

Actions for Damages by Detainees

In March 1973 the Minister disclosed that no settlements had been made to detainees who had brought actions against him or members of the police force in terms of Section 6 of the Terrorism Act during 1972. Six actions were still pending, the plaintiffs being Mohammed Salim Essop, Mohammed Timol, Montford Mzoli Mabuto, Albert Kwezi Tshangana, Robert Cedric Wilcos and Frank Anthony (Hansard 7, p. 508-509).

Deaths in Detention

In April 1973 the Minister stated that 40 people had died in detention, other than detention in terms of the Terrorism Act, during 1972. Six were reported to have died through suicide, two of natural causes, thirty who died neither of suicide nor natural causes, one whose post-mortem exami-

nation had not been completed, and one who died through alleged police assault (case had not been concluded). (Hansard 11, p. 746-747).

Arrests of African Pupils

In May 1973 the Minister of Police revealed that 296 African pupils had been arrested as a result of disturbances at 'Bantu' schools. The schools were the Mantatise Secondary at Witsieshoek, the Moshest Secondary at Avondale, Setatlowane near Pietermaritzburg, the Itotleng Barolong Secondary at Kunana and the Boitsenape Trade School at Mafeking. The pupils had been detained for periods ranging from one day (52 pupils) to 57 days (10 pupils). The largest group (115) had been held for 16 days.

The pupils were arrested on charges of public violence, malicious damage to property and contraventions under the Riotous Assemblies Act of 1956, but 221 were released without being tried (Hansard 13, p. 860).