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**REPORT
OF THE
SPECIAL COMMITTEE
AGAINST *APARTHEID***

VOLUME II

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY - FIRST SESSION

SUPPLEMENT No. 22 (A/31/22)

UNITED NATIONS



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New York, 1977

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The present report was also submitted to the Security Council under the symbol S/12150.

The special reports of the Special Committee against Apartheid, previously circulated under the symbols A/31/22/Add.1-3-S/12150/Add.1-3, will be found in Official Records of the General Assembly, Thirty-first Session, Supplement No. 22A (A/31/22/Add.1-3).

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ANNEX II

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ANNEX I

Review of developments in South Africa since September 1975

I. INTRODUCTION

1. The past year has been the most eventful year in the history of the struggle for liberation in South Africa and in international efforts in support of that struggle.
2. It may be recalled that the Special Committee against Apartheid pointed out in its last report 1/ that the manoeuvres of the South African régime, following the collapse of Portuguese colonialism, to confuse world opinion and consolidate its position had failed. The apartheid régime had promised in a statement before the Security Council in October 1974 to move away from racial discrimination, but instead took further measures to enforce apartheid, especially by speeding up the establishment of bantustans. It had offered to co-operate with independent African States to secure a peaceful solution in Southern Rhodesia, but continued to sustain the illegal Smith régime by refusing to implement the mandatory decisions of the Security Council.
3. While professing to seek peace, the apartheid régime had greatly increased its military budget and intensified repression against all opponents of apartheid in South Africa. In September 1974, when the black people demonstrated their rejoicing at the victory of the Frente de Libertação de Moçambique (FRELIMO), the Mozambique liberation movement, it embarked on nation-wide arrests of leaders of the "black consciousness" movement. The net of repression was widened in the ensuing months to cover numerous students, workers, writers and others, including many whites opposed to apartheid.
4. These developments precipitated a crisis which was greatly aggravated by South African aggression against independent African States and massive brutality against the black people of the country. These developments unmasked its so-called "détente" or "dialogue" policy towards independent African States and virtually put an end to any possibility of a meaningful dialogue inside the country.
5. Faced with the growing resistance of the oppressed people, the Pretoria régime enacted new Draconian laws and resorted to a massacre, on 16 June 1976, of students demonstrating against the imposition of Afrikaans in secondary schools, at Soweto, the African township of Johannesburg. In an attempt to intimidate the "black consciousness" movement, which had become a powerful force in uniting all the black people, especially the students and youth, against racist oppression, the Pretoria régime subsequently arrested thousands of people, including practically all the leaders of the movement. Contrary to its calculations, however, resistance

1/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 22 (A/10022): see also document S/11849.

spread from Soweto to every region of the country. Africans, coloured people and Indians defied bullets and batons and demanded the release of their colleagues. They were supported in unprecedented numbers by African workers who joined three-day stay-at-home strikes.

6. The massacre of the African students by the apartheid régime and the heroic resistance of the people attracted world-wide attention and generated increasing support to the struggle of the South African people for freedom. The problem of apartheid has become one of the main issues of urgent concern to the international community.

A. Aggression against independent African States

7. In launching its aggression against Angola in October 1975 on the eve of the independence of that country - after incursions into its territory from 8 August 1975 - the Pretoria régime decided on a desperate gamble. It sought, by a show of its military might and by massive propaganda, to confuse African States and to induce the Western Powers to join with it in military action, thereby breaking through its isolation. It hoped either to establish a dependent buffer state in Angola or to maintain military occupation in the southern part of that country so as to stifle the struggle of the Namibian people for freedom.

8. On 9 November, Lieutenant-General Magnus Malan, Chief of the South African Army, boasted in a radio broadcast:

"Without a doubt our military strength is playing a great role in the present détente policy of our leaders. For, détente can only succeed if we speak from a position of strength." 2/

9. The gamble failed disastrously, not only because of the resistance of the Angolan people but also because of the unwillingness of the Western Powers to ally themselves with South Africa, as well as the opposition by the black people of South Africa to the aggression by their oppressors.

10. The Pretoria régime again found itself isolated, as evidenced by its condemnation by the Security Council in March 1976 (Council resolution 387 (1976) of 31 March 1976). Its "détente" campaign lay in shambles. Its defeat further encouraged the oppressed people of South Africa in their struggle for freedom.

11. In its desperation, the régime resorted to repeated acts of aggression against Zambia which were condemned by the Security Council in July 1976 (Council resolution 393 (1976) of 30 July 1976). Despite these condemnations, Angola and Zambia reported continued violations of their territories by the South African régime.

12. It became clear that the South African régime was essentially aggressive; it continued its apartheid policies in South Africa and its illegal occupation of Namibia, threatening and attacking neighbouring independent States which assisted the liberation movements in their legitimate struggle for self-determination and freedom in accordance with United Nations resolutions.

2/ South African Digest, Pretoria, 28 November 1975.

13. It may be noted that on 19 October 1975 the South African Minister of Defence, Mr. P. W. Botha had threatened, after an attack by the South African Army against militants of the South West Africa People's Organization (SWAPO) in Angola, that the South African Defence Force would not hesitate to pursue SWAPO insurgents beyond the country's borders and wipe out their bases in neighbouring territories. 3/

B. Grave crisis in South Africa

14. The nationwide uprising following the Soweto massacre of 16 June 1976 demonstrated clearly that the black people, who constitute the great majority of the population of the country, were united in opposing apartheid and any compromises with that inhuman policy. They showed that they rejected the government-appointed chiefs, the officials of the bantustans and members of apartheid institutions whom the racist régime tried to foist on them as leaders of the black people.

15. In the wake of the Soweto massacre, many white organizations and influential leaders - including the Afrikaans press and academics, as well as businessmen - called for greater attention to African views and rethinking on the future of the country. They advocated, in particular, that the urban blacks should not be regarded as temporary sojourners and that they should be consulted on matters affecting their welfare. 4/

16. Though the reforms they advocated fell far short of the African demand for total equality, they reflected a significant trend of opinion. For instance, the Transvaal Chamber of Commerce, in a memorandum to Prime Minister Vorster in August 1976, suggested:

- (a) Recognition of urban blacks as permanent residents and the granting to them of land ownership rights in the African locations;
- (b) Granting of municipal status to African locations with elected municipal governments;
- (c) Provision of adequate finance for urban black housing;
- (d) Improvements in amenities in African locations and in transport;
- (e) Introduction of free and compulsory education, with free school books and materials;
- (f) Review of discriminatory legislation;
- (g) Removal of restrictions on advancement to skilled labour in industry.

3/ Rand Daily Mail, Johannesburg, 20 October 1975.

4/ Financial Mail, Johannesburg, 20 August 1976.

17. The racist régime rejected any meaningful change or any consultation with the genuine leaders of the people. It made it clear that it would not do away with apartheid. It detained almost all the people whom the black community regarded as representative and offered to listen only to its chosen leaders to present "grievances". Its attitude was reflected in a statement by the Minister of Police, Mr. Jimmy Kruger, in August 1976 when he called for a "change of gear, not a change of policy," that is, faster implementation of apartheid.

18. On 30 September 1976, Prime Minister Vorster categorically rejected widespread demands for a multiracial national convention to discuss the country's problems.

19. Even the bantustan leaders were obliged to declare at a meeting in August 1976 that the South African Government's habit of persistently refusing blacks fundamental human rights until confrontation forced it to do so had shown the country and the world that the only language to which the Government was prepared to listen was violence.

20. Meanwhile, the Pretoria régime proceeded to speed up the implementation of the bantustan scheme, the crucial element of the apartheid framework. It rushed arrangements to grant sham "independence" to the Transkei on 26 October 1976 and enacted legislation to deprive over 3 million people of Transkeian origin of South African citizenship on that date. This was to be the first step in the implementation of a diabolical plan whereby the régime, elected by a white minority, would deprive the African people, who constitute 70 per cent of the population of the country, of their citizenship and secure total domination in 87 per cent of the country.

C. The economic crisis

21. South Africa has experienced a grave economic crisis as a result of the drop in the price of gold, the increased military expenditures, the intervention in Angola, the inflationary effects of apartheid policies and the popular upsurge within the country. It was obliged to devalue the rand by 17.9 per cent on 21 September 1975. According to the Quarterly Bulletin of the South African Reserve Bank, the gross national product (GNP) fell by 1.5 per cent in real terms and by 4 per cent per capita in 1975. 5/ The foreign debt rose from 7 per cent of GNP in 1974 to 17 per cent in 1976. 6/

22. The South African régime has, therefore, found it necessary to obtain massive foreign loans and investments. According to the statement by the Minister of Finance on 31 March 1976, in introducing the 1976/77 budget, there was a record net capital inflow of R 1,774 million in 1975, of which R 1,263 million was long-term loan capital. The capital inflow accounted for 23 per cent of gross domestic investment, as against 11 per cent in 1974.

23. In the first three months of 1976, the publicly announced borrowings of South Africa on the Eurodollar market totalled \$350 million, as against

5/ Ibid., Johannesburg, 9 April 1976.

6/ Rand Daily Mail, Johannesburg, 25 September 1976.

\$321 million for the whole period of 1975. In addition, South Africa arranged a gold swap deal with Swiss banks which was effectively worth a loan of \$500-600 million. 7/

24. Since then, the South African régime has faced increasing difficulties in borrowing money abroad. It had already borrowed heavily in Western Europe and foreign investors have tended to lose confidence as a result of the South African aggression in Angola and the events inside South Africa.

25. The chairman of Barclays' Bank, Mr. A. F. Tuke, said at the annual general meeting of the Bank in London on 13 April 1976 that South Africa's economic attractiveness had deteriorated in the previous three years. Loans to South Africa and other parts of southern Africa were, he said, very much more difficult to sell than they had been three years previously. 8/

26. The Rand Daily Mail wrote on 11 June 1976:

"... yields of South African loan issues on the Eurobond market are presently about 2 per cent to 4 per cent higher than those for Australia and New Zealand. That is the political premium. In fact, this market is effectively closed to South Africa for new issues in the immediate future."

27. As might be expected, the blacks have been obliged to bear the brunt of the economic difficulties in the form of higher food and transportation costs and unemployment. Because of the economic crisis, the white trade unions have increasingly tended to oppose any African advancement to skilled labour occupation.

28. African unemployment has risen sharply. On 9 April 1976, the Johannesburg Financial Mail reported that 10,000 Africans had joined the ranks of the jobless every month. According to its estimates, African unemployment had risen from 366,000 in mid-1973 to 417,000 in mid-1975 and would increase to 550,000 by mid-1976. Other estimates placed African unemployment as high as 2 million. The modest increase in African wages since 1973 was countered by large reductions in the African labour force in many industries. Since the Soweto massacre, the Government and employers have dismissed many African workers, thereby swelling the numbers of the unemployed.

D. Efforts to break out of isolation

29. With the collapse of the aggression in Angola and the unanimous condemnation by the Organization of African Unity, the Pretoria régime found itself more isolated. The adventure in Angola showed that no Government in the world wished to be seen as associated with it as an ally. It tried to break out of its isolation by reinforcing its links with Israel and by approaches to the Government of the United States of America to offer its co-operation in averting a wider conflict in southern Africa.

7/ Financial Mail, Johannesburg, 9 April 1976.

8/ Rand Daily Mail, Johannesburg, 14 April 1976.

30. The development of relations between Israel and South Africa was reviewed in a special report of the Special Committee against Apartheid in September 1976 (A/31/22/Add.2-S/12150/Add.2). 9/

31. With regard to the United States, it may be noted that Secretary of State Henry A. Kissinger, in an address at Lusaka on 27 April 1976, offered United States support for peaceful solutions in southern Africa. He urged South Africa to use its influence in Salisbury towards a negotiated settlement for majority rule in Southern Rhodesia. He called on the régime to announce a definite time-table for the achievement of self-determination in Namibia and to permit all the people and groups in Namibia to express their views freely, under United Nations supervision, on the political future and constitutional structure of their country. He expressed concern over apartheid in South Africa and declared that the United States would continue to encourage, and work for, peaceful change.

32. Although Mr. Kissinger continued to criticize apartheid and call for an end to institutionalized racial discrimination, the South African régime welcomed the contacts with the Government of the United States of America which followed. Mr. Kissinger himself met with Prime Minister Vorster in Bavaria on 23 and 24 June 1976, at Zurich from 4 to 6 September and at Pretoria from 18 to 20 September.

33. Whatever the intentions of the United States, the South African régime saw this development of contacts with the United States as a diplomatic breakthrough which would help reduce external pressures. The leaders of the régime and the South African press considered that the United States had come to recognize that South Africa had a leading role in southern Africa and that there would be no pressure for a radical change in South Africa. They hoped that this would help in developing contacts with independent African States.

34. Mr. C. P. Mulder, Minister of Information, said in a radio interview in August 1976 that he did not think there was a demand from the United States that "we should go to the ultimate of one-man one-vote in this country. I have never come across that". He added:

"I think if we can succeed in recognizing the dignity of each person ... and if we can succeed in creating acceptable policies to have the black people also in a position to fulfil their own political ideals ... I think we will be acceptable to the United States irrespective of the fact that we will still carry on with the fundamental issues of our own policy." 10/

Die Vaderland reported on 2 September 1976:

"In the comment up to now about the Vorster-Kissinger meeting, one factor frequently emerges - the key role which South Africa has to play in the future of the subcontinent of which we are a part."

9/ For the printed text, see Official Records of the General Assembly, Thirty-first Session, Supplement No. 22 A (A/31/22/Add.1-3), document A/31/22/Add.2.

10/ The Star, Johannesburg, weekly airmail edition, 14 August 1976.

Die Beeld, a pro-government newspaper, commented on 13 September 1976, the tenth anniversary of Mr. B. J. Vorster's appointment as Prime Minister:

"In spite of the current uproar, the fact remains that Mr. Vorster's 10 years have brought South Africa to a formerly unprecedented position of authority in the affairs of Southern Africa.

"One need only compare a visit taking place this week with the circumstances of a similar visit 16 years ago.

"In 1960 Mr. Macmillan came here to deliver a single speech in which he wrote off South Africa and its government as significant factors. This week, Dr. Kissinger comes precisely because he recognizes our country, and particularly our Prime Minister, as the prime factor in Southern Africa's peaceful development."

II. THE NATIONAL UPSURGE AGAINST APARTHEID

35. The Special Committee against Apartheid has already reviewed developments concerning the Soweto massacre of 16 June 1976 and its aftermath in a special report to the General Assembly and to the Security Council on 4 August 1976 (A/31/22/Add.1-S/12150/Add.1). 11/ Some significant aspects of the national uprising which followed and the developments subsequent to the special report are briefly reviewed below.

36. Though the immediate cause of the demonstration of African students at Soweto on 16 June was the imposition of Afrikaans as a medium of instruction in the secondary schools, it was clear that it was a result of deep resentment against oppression and exploitation of the African people and against discrimination in all fields.

37. As Mr. Mxolisi Mvovo, acting President of the Black People's Convention, said in August:

"... no matter what form the protests and disturbances initially presented themselves, at the heart of it all is the rejection by blacks of the whole system of oppression, subjugation and exploitation contained in the so-called theory of separate development or apartheid." 12/

38. The South African Council of Churches had warned earlier, on 17 June:

"The fact that the confrontation involved schoolchildren has the frightening implication that black grievances are not only a matter of politics but have become a matter of intense and widespread agony, felt even by children, which could escalate into a national catastrophe ...

"The legitimacy of the students' cause makes it impossible to silence their protest by guns." 13/

39. The brutal massacre of African students and massive repression by the racist régime failed to suppress the resistance. The presence of the police in the townships appears to have provoked hostility, instead of intimidating the people. Demonstrations against apartheid rapidly spread from town to town all over the country, including the African reserves, and involved the participation of hundreds of thousands of people in defiance of the police. Coloured youths in Cape Town and the surrounding area came out in tens of thousands in solidarity with the African students and defied police brutality.

11/ For the printed text, see Official Records of the General Assembly, Thirty-first Session, Supplement No. 22 A (A/31/22/Add.1-3), document A/31/22/Add.1.

12/ Weekend World, Johannesburg, 15 August 1976.

13/ The Guardian, London, 18 June 1976.

40. Students in many schools went on strike and demonstrated in solidarity with their colleagues in Soweto, and demanded the release of prisoners. All three segregated universities for Africans, the segregated university for the Coloured people, and hundreds of secondary schools were closed as a result of the demonstrations. Large demonstrations were also held at the University for Indians in Durban and it was closed for several days. The police resorted to shootings and baton charges to suppress the student demonstrations: many young students were killed or wounded, and thousands arrested.

41. By 30 August, the official casualty figure was 294 dead and 2,500 wounded. The actual toll was believed to be much higher. Colonel J. J. Gerber of the Johannesburg police admitted on 15 September that in at least 135 separate incidents between 16 June and 30 August, when police opened fire, the casualties were unknown. He indicated that the police had used during that period 16,363 rounds of ammunition. 14/

42. A significant feature of this upsurge was the extensive participation of African workers, in support of the students. A stay-at-home strike of Soweto workers from 4 to 6 August demanding the release of student prisoners, including many juveniles who had been secretly held for several weeks, was reported by the press to have involved 60 per cent of Johannesburg's African work force, a remarkable percentage in view of police intimidation and other factors. Another three-day strike from 23 August was reported to have been 80 per cent successful. A third three-day strike from 20 September was reported to have been 75 per cent successful in Johannesburg and 50 per cent effective in Cape Town. The industrial complex of Isando was reported to have become a ghost town as African workers went on strike.

A. Arrests, trials and provocations

43. Altogether, about 5,000 persons are believed to have been arrested during the demonstrations following the Soweto massacre. They include hundreds of university or college students and a number of teachers and school principals. The rest were largely young secondary students. In addition, almost all the leaders of the "black consciousness" movement were detained under laws providing for indefinite detention of persons endangering the security of the State.

44. Numerous persons have been charged in mass trials with public violence, riotous assembly and other offences and given severe sentences, usually ranging from six months to three years in prison. Many teenage students were sentenced to severe corporal punishment. On 16 September 1976, even an 8-year-old African child was sentenced in Port Elizabeth to five cuts on the charge of attending an illegal gathering.

45. Unable to cope with the massive upsurge, the racist régime appears to have resorted to despicable provocations. On 4 August, there were petrol-bombing attempts at the homes of Mrs. Winnie Mandela, a leader of the Black Parents' Association of Soweto, and Mr. Peter Magubane, a prominent African photographer.

14/ Rand Daily Mail, Johannesburg, 16 September 1976.

From 24 to 26 August, hundreds of migrant workers in Soweto went on a rampage, indiscriminately killing African students and others with machetes. At least 21 persons were killed and scores injured. According to eye-witnesses, heavily armed police stood by and did nothing to protect the victims. 15/

46. Evidence has come to light, despite official denials, that the migrant workers were instigated by the police. A Rand Daily Mail reporter heard police tell the workers: "If you damage houses you will force us to take action against you ... you have been ordered to kill only." 16/

B. Police violence

47. All available reports indicate that the police resorted to massive and indiscriminate violence to suppress the resistance. They fired at peaceful demonstrators even when the latter had appealed to them not to shoot. They were joined on occasion by civilian white vigilantes.

48. The following report from Cape Town is illustrative of the violence inflicted on the young by the South African police:

"Police baton-charged pupils inside the Alexander Sinton High School in Athlone and fired tear-gas into the grounds. Jeering students used hoses to douse the canisters, but fled when police struck out with batons ...

"Twenty minutes later the riot squad charged into the Alexander Sinton High School for the second time after cars had been stoned in the area. When pupils saw the police coming, they quickly locked themselves in classrooms.

"Police tried to kick down the doors but failed. They then broke windows in upper classrooms and tossed tear-gas canisters inside.

"Terrified children rushed out and were met with a hail of blows from police batons. Shot-gun blasts reverberated through the quadrangle and screaming pupils ran in all directions.

"A reporter went inside the school sick bay and saw two schoolboys who had been hit by birdshot. One was bleeding from a hand injury and the other had been hit in the hand and buttocks.

"Girls were crying from the effects of tear-gas and some had fainted. Others were sobbing hysterically while teachers tried to comfort them.

"One schoolboy was rugby-tackled by a policeman as he attempted to escape the front lawn, and then kicked." 17/

15/ The Star, Johannesburg, weekly airmail edition, 28 August 1976.

16/ Rand Daily Mail, Johannesburg, 26 August 1976.

17/ Ibid., Johannesburg, 4 September 1976.

49. In a statement in August 1976, a representative of the Christian Institute of Southern Africa said:

"The constant stream of stories reaching this office of police action against innocent people is reaching epidemic proportions ...

"Stories abound of beatings, harassment and rough treatment against innocent, non-charged people.

"It is our conviction that the appalling image which the South African Police and Government now have in the minds of 20 million black people can never be improved until a national convention is called at which all the representatives of the people - including those in gaol and those in exile - are invited to assist in designing a new way of life for our society." 18/

50. Mrs. Oshdi Jane Phakati, Transvaal Director of the Christian Institute of Southern Africa, said:

"They (the police) started the violence first when they killed those innocent kids in Soweto.

"Since then they appear to be involved in a relentless campaign of brutality, harassment and intimidation of innocent, peaceful black people.

"Blacks never wanted violence. But now they are asking what is the use of peace when the police, with their guns, have chosen violence." 18/

51. The Johannesburg Weekend World, on 15 August, listed the following incidents of police violence as illustrative:

- (1) Peter Magubane, the outstanding African photographer, was twice assaulted by police. On the first occasion, his glasses were smashed and he suffered internal injuries. On the second occasion, he was beaten with batons before being smashed across the face by a baton. His nose was broken.
- (2) An Alexandra teacher was hit by cat-o'-nine tails, pistol-whipped and forced to sing Afrikaans songs.
- (3) Police from the West Rand Bantu Administration Board kicked, punched and flogged eight schoolboys.

52. Early in September, school principals in the Cape Peninsula accused the police of baton-charging pupils in classes, beating up at least four teachers, throwing tear-gas into classes and shooting indiscriminately. The Labour Party, the Trade Union Council of South Africa and the Muslim Judicial Council issued statements deploring the police violence and calling for an inquiry. 19/

18/ Weekend World, Johannesburg, 15 August 1976.

19/ The Star, Johannesburg, weekly airmail edition, 11 September 1976.

53. On 30 September, even the Cape Town City Council, at its monthly meeting, decided to ask the Government to set up a judicial inquiry into allegations of "indiscriminate use of force and firearms by the police". 20/

54. The régime took no action however and, in fact, commended the police for their restraint. It indicated that it would await the report of a one-man Commission of Inquiry it had appointed in June 1976 to investigate the events of 16 June and related developments. 21/ The Commission was boycotted by most blacks.

20/ Rand Daily Mail, Johannesburg, 1 October 1976.

21/ The Government named Mr. Justice Cillie, Judge President of the Transvaal, as the Commission, and Mr. Percy Yutar, Attorney-General of the Transvaal, to lead the evidence. Mr. Justice Cillie was well known for his harsh sentences against opponents of apartheid, including the former Anglican Dean of Johannesburg, and Mr. Yutar for prosecution of many cases against opponents of apartheid, including those in the Rivonia trial.

III. ENFORCEMENT OF APARTHEID AND ADJUSTMENTS WITHIN APARTHEID

55. While making minor adjustments within "petty apartheid" primarily to deceive world opinion or in a vain attempt to divide the black people, the Pretoria régime has pressed ahead, during the period under review, with its "grand apartheid". The latter involves the creation of bantustans in one seventh of the country, comprising nearly 200 patches of territory set aside as African reserves, as the "homelands" of the entire African population of the country, and granting sham "independence" to these bantustans so as to consolidate white domination in the rest of the country.

56. It may be recalled that the late Prime Minister, Mr. Hendrik Vorwoerd, stated in 1961 that "in the light of pressures being exerted on South Africa", the apartheid régime had decided on "a form of fragmentation which we would not have liked if we were able to avoid it, thereby buying the white man his freedom and the right to retain domination in what is his country".

57. Under this diabolical scheme, implemented with the collusion of government-appointed chiefs, the white minority régime would deprive the African people, comprising 70 per cent of the population, of their right to citizenship in South Africa. The Africans would continue to constitute a large majority in "white South Africa", but they would be treated as aliens in their own country. They would, however, not even enjoy the rights of immigrants from Europe but would only be tolerated so long as they ministered to the needs of the white population. The Coloured people and Indians, who comprise 3 million people, would continue to be treated as second-class citizens.

A. Moves towards the sham "independence" of the Transkei

58. The main development during the past year was the rushing of arrangements for the granting of "independence" to the Transkei. The Transkei comprises three individual units of territory separated by "white South Africa" and it is overwhelmingly dependent on the latter.

59. Of the Transkei budget of R 135,799,000 for the financial year 1976/77, the revenue within the Transkei was only R 28 million. No less than R 93,033,000 constituted grants from the Government of South Africa. The remainder included R 6 million carried over from the previous financial year and R 14 million to be raised by foreign loans.

60. According to a report published by the Bureau for Economic Research/Bantu Development, an official body, in March 1976:

(a) The Transkei can provide jobs for only 395,000 of its population of 1,645,000;

(b) An estimated 350,000 work outside the territory; of the gross national product of R 407 million in 1973, almost three quarters came from the migrant workers;

(c) Dependence on sale of labour is increasing; gross domestic product accounted for 44 per cent of gross national income in 1960 and only for 26 per cent in 1973. 22/

61. The South African régime negotiated the independence of the Transkei with the unrepresentative authority it had set up under the Transkei Constitution Act of 1963. The "legislative assembly" of the territory consisted of 64 government-appointed chiefs and 45 elected members. The Transkei National Independence Party, led by Chief Kaiser Matanzima, was defeated at the elections in 1963, but assumed office with the support of the chiefs. With brutal repression, it was able to increase its majority in subsequent elections. 23/ Although residents of the Transkei and people of Transkeian origin in the rest of South Africa were entitled to vote, only a small fraction of eligible voters outside the Transkei exercised the franchise.

62. Chief Matanzima repeatedly refused demands by the opposition parties for a referendum on the issue of "independence".

63. At its session in 1976, the white Parliament in Cape Town enacted two laws for the independence of the Transkei. The Transkei Constitution Amendment Act of 1976 provided for a change in the composition of the Transkei Legislative Assembly - to consist of 75 paramount chiefs and chiefs and 75 elected members. The Status of the Transkei Act of 1976 provided that all people of Transkeian origin would cease to be citizens of South Africa after the "independence" of the Transkei. Thus, not only the 1.7 million inhabitants of the Transkei but 1.3 million persons in the rest of South Africa, many of whom had never lived in the Transkei, were to be deprived of their South African citizenship.

64. Professor John Dugard of the Witwatersrand University pointed out 24/ that this law amounted to "denationalization on grounds of race" which is contrary to the Universal Declaration of Human Rights (General Assembly resolution 217 A (iii)) and the United Nations Convention on the Reduction of Statelessness of 1961. 25/ Other observers noted that there was no parallel for this law except the Nazi decree in 1941 depriving Jews in Germany of their nationality. 26/

65. This measure aroused great resentment among the African people. In April 1976, Reverend Desmond Tutu, then Anglican Dean of Johannesburg, said:

"I speak with words I hope I have chosen carefully - the issue of Transkeian citizenship is highly explosive. Blacks are being provoked beyond human endurance ..." 27/

22/ The Star, Johannesburg, weekly airmail edition, 6 March 1976; Financial Mail, Johannesburg, 12 March 1976.

23/ Under Proclamation 400 of 1960, any person can be indefinitely detained without trial and meetings cannot be held without the written consent of a "Bantu Commissioner".

24/ Financial Mail, Johannesburg, 18 June 1976.

25/ A/CONF.9/15.

26/ Professor Leonard Gering in The Star, Johannesburg, weekly airmail edition, 12 June 1976.

27/ Financial Mail, Johannesburg, 21 May 1976.

66. The Transkei Legislative Assembly adopted a new Constitution in July 1976 and elections were announced for 29 September. Soon after, all the leaders of the opposition Transkei Democratic Party, including members of the Legislative Assembly, were detained, preventing them from contesting the elections. Of the 75 elected seats, the Transkei National Independence Party won 16 seats unopposed.

67. The sham "independence" was strongly opposed by many segments of the Transkei population and the authorities resorted to severe repression. In the middle of August, for instance, 500 students demonstrated at Lady Frere against "independence". Police arrested and charged 266 students under the Riotous Assemblies Act and other laws. 28/ Chief Matanzima warned that demonstrators would be subjected to corporal punishment. He threatened all those opposed to "independence" to leave the territory before 26 October. 29/

68. Meanwhile, the South African régime launched a major propaganda campaign abroad to publicize the "independence" of the Transkei. The Minister of Information, Mr. C. P. Mulder, had earlier told the House of Assembly, on 4 May 1976, that more than 1 million rand had been allocated for that purpose.

B. Proposal for independence of Bophuthatswana

69. The authorities of the bantustan of Bophuthatswana followed the lead of those in the Transkei, while all the other bantustan leaders rejected "independence".

70. On 9 November 1975, the Bophuthatswana Democratic Party, the ruling party of that bantustan, decided to ask for independence. In proposing the move, the Chief Minister, Chief Lucas Mangope, complained that his cabinet could not fulfil its programme because of control by the authorities in Pretoria. 30/

71. Chief Mangope had earlier declared that there would be no discussion of independence before the bantustan was given more land and consolidated into a single area. The sudden reversal of his position caused widespread surprise.

72. On 19 November 1975, the legislative assembly of the bantustan - which consists of 48 chiefs and 24 elected members - approved a motion authorizing the cabinet to start negotiations with the Pretoria régime for independence. The two opposition parties had walked out before the vote and refused to take part in the "independence" negotiations.

73. On 25 February 1976, Prime Minister B. J. Vorster and Chief Lucas Mangope announced that joint committees would be set up immediately to work out details of "independence" and that a bill would be passed early in 1977 enabling Bophuthatswana to become "independent".

28/ Fifty-seven students were subsequently convicted to six months' imprisonment, 30 to 8 strokes and 178 to 6 strokes. One student was acquitted. The Star, Johannesburg, weekly airmail edition, 28 August 1976.

29/ Weekend World, Johannesburg, 22 August 1976.

30/ The World, Johannesburg, 10 November 1975.

74. Bophuthatswana will consist of six separate areas even after the completion of consolidation proposals. Of its total *de jure* population of more than 1.7 million, only 600,250 (36 per cent) live in the territory. About 71 per cent of the economically active population are working outside the bantustan. More than one third of the resident population of the bantustan are non-Tswanas. 31/

C. Coloured people and Indians

75. While imposing bantustans to deprive the African people of their basic rights, the apartheid régime has been trying to find a different "solution" for the Coloured people and the Indians who cannot be relegated to a "homeland". Under its scheme they are to be granted limited self-government through the Coloured Persons Representative Council (CPRC) and the South African Indian Council (SAIC). Prime Minister Vorster indicated in 1975 that the Government would set up a "joint Cabinet Council" - composed of members of the cabinet of the Pretoria régime and the executive committees of CPRC and SAIC - to consult on matters affecting the white, Coloured and Indian population groups. The Council would be advisory and when no consensus was reached, final decisions would be taken by the Prime Minister.

76. This scheme was strongly opposed by the Coloured and Indian communities which demanded representation in Parliament, decried the exclusion of the African majority, and called for a national convention of the representatives of all the people to decide on the future government of the country.

77. The apartheid régime has been able to obtain the collusion of the executive of SAIC, which is an entirely unrepresentative body disowned by the Indian community. 32/ In CPRC, however, it encountered resistance.

78. It may be recalled that the Labour Party had won the elections to CPRC in March 1975 on a platform of firm opposition to apartheid and full citizenship for the Coloured people. It called for the abolition of CPRC, but decided to accept office as one of the bases of operation in the fight for equality. Mr. Sonny Leon, leader of the Labour Party, was appointed Chairman of the Executive Committee.

79. In September 1975, CPRC declined to adopt the budget for 1975/76, and decided to adjourn until 19 March 1976. Moving its adjournment, Mr. Sonny Leon said that the Government would have to indicate exactly what it envisaged for the Coloured people.

80. Discussions between the Executive Committee of CPRC and Prime Minister Vorster on 20 October 1975 proved fruitless as the latter rejected demands for full equality for the Coloured people and equal representation in Parliament.

81. On 11 November 1975, the Government dismissed Mr. Leon for refusing to approve

31/ Rand Daily Mail, Johannesburg, 13 November 1975; Financial Mail, Johannesburg, 14 November 1975.

32/ Half of its members are nominated. The other half are elected by management committees of segregated Indian townships which had been boycotted by much of the community.

the CPRC budget 33/ and appointed a government employee, Mrs. Alatheia Jansen, as Chairman of the CPRC Executive. The other members of the CPRC Executive then resigned in support of Mr. Leon.

82. On 12 November, Mr. Leon challenged the Government to call an early election of CPRC. He declared:

"It must be clear to all now that the Government's policy as far as Coloureds are concerned remains blatant baaskap." 34/

83. But the Government rejected his demand and indicated that it would await the report of the Commission of Inquiry into Matters Relating to the Coloured Population Group - the Erika Theron Commission - which it had appointed in 1974.

84. The report of the Commission was tabled in the House of Assembly on 18 June 1976. It recommended that the Coloured people be given direct representation in Parliament and at all other levels of government. It also recommended the appointment of a committee of experts in this regard and alteration of the present Westminster style of government to meet the specific requirements of South Africa's "plural population structure". It called for the repeal or amendment of a number of laws discriminating against the Coloured people, particularly the repeal of the Mixed Marriages Act and of the racial clauses in the Immorality Act. Other recommendations included: cultural integration; mixed trade unions; open universities; selective reduction of separate amenities; more land purchase; trading and business rights; the abolition of job reservation and the elimination of the wage gap; merit selection of international sporting sides; and leaving decisions on the admission of Coloured people to sports clubs, theatres, halls and private schools to the organizations concerned.

85. The Government issued a "white paper" on the same day rejecting the main recommendation of the Commission for the representation of Coloured people in Parliament. It also rejected changes in the Immorality Act and the repeal of the Mixed Marriages Act.

86. Opening the 1976 session of the Coloured Persons Representative Council in September, the President of the Senate, Mr. Marais Viljoen, announced some concessions to the Coloured people which, he said, were designed to remove obsolete practices and usages which were causing dissatisfaction among the Coloured people, as follows:

(1) Industrial areas would not be segregated and would be open to Coloured and Indian entrepreneurs to establish industrial undertakings.

(2) Coloured and Indian traders would be allowed more freedom to trade outside their segregated "group areas".

(3) Coloured people should not be segregated at scientific and art conferences, with regard to dining and other facilities.

33/ Mr. Leon refused to approve the budget on the grounds that it discriminated against the Coloured people. A vote for the budget, he said, was a vote for apartheid.

34/ Rand Daily Mail, Johannesburg, 13 November 1975. The term "baaskap" means master-servant relationship.

(4) The Minister of Labour would grant exemptions to allow Coloured people to serve on the executives of mixed trade unions, with due consideration to the membership of the relevant trade union and also to ensure that minority groups were not completely eliminated. 35/

These concessions had little impact on the attitudes of the Coloured people, as they did not provide for equal political rights and were designed to separate the Coloured people from the African majority by placating a few traders and intellectuals.

87. In September 1976, the Pretoria régime went ahead with the creation of a 15-member "Joint Cabinet Council" with members from CPRC and SAIC. CPRC was "represented" by three government-nominated members and two members of the minority Federal Party, since its Executive Council had resigned.

88. The Labour Party refused to join the Council on the grounds that it was "apartheid window-dressing" and pointed to the exclusion of Africans. Mr. Sonny Leon, leader of the Labour Party, said:

"Unless all South Africans can participate, the Cabinet Council will have no credibility." 36/

D. Reforms within apartheid

89. In its report to the General Assembly at its thirtieth session, 37/ the Special Committee against Apartheid analysed the so-called "reforms" instituted by the South African régime, ostensibly to move away from "unnecessary" discrimination, and showed that the measures were mostly inconsequential or were, in fact, designed to consolidate apartheid.

90. Since that time, even the pace of such "reforms" has slowed down. They ground to a halt during the aggression in Angola when the apartheid régime felt confident of Western support. As the Johannesburg Financial Mail noted, on 23 April 1976, not one of the 87 bills presented to Parliament so far that session reflected the Government's professed commitment to move away from racial discrimination.

91. The totality of the reforms was little more than the opening of one theatre (the Nico Malan Theatre in Cape Town) to a multiracial audience; the removal of "whites only" notices in a few public places; the granting of permission to a few hotels recognized as "international" to admit blacks under various restrictions; and a limited improvement of salaries and wages of black civil servants.

92. The concession as regards hotels is illustrative. In February 1976, the Government granted "international" status to 20 hotels and one restaurant, permitting them to admit blacks. However, it laid down several restrictions, as follows:

35/ The Star, Johannesburg, weekly airmail edition, 11 September 1976.

36/ Rand Daily Mail, Johannesburg, 23 September 1976.

37/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 22 (A/10022); see also document S/11849.

(a) No more than 15 per cent of the hotel beds could be taken by blacks at one time;

(b) South African blacks should not be admitted to men's bars or allowed to participate in dancing.

(c) The use of any swimming pool on the premises should be restricted to bona fide guests who are residents in the hotel. 38/

93. On the other hand, the apartheid régime made it clear that it had no intention of abolishing the "basic legislation" of apartheid. It continues to deny elementary trade union rights to African workers.

94. The Minister of Justice told the House of Assembly on 26 February 1976:

"I say the established rights of the whites must be guaranteed. These may well be discriminatory rights." 39/

95. After the Soweto massacre and the continuing upsurge of black opposition against apartheid, many white South Africans - especially the Afrikaans press and Afrikaaner businessmen - called for urgent reforms to assuage African discontent. They called in particular for a review of government policy as regards urban Africans and their future. They recognized that the former policy, envisaging deprivation of all rights in return for citizenship in mythical homelands, was untenable.

96. The racist régime and the Nationalist Party leaders, however, were merely manoeuvring to divide the black people and provoke blacks to fight blacks. The so-called concessions made or envisaged by the régime were all directed towards this diabolic purpose. At the same time, it resorted to brutal repression against the genuine leaders of the black people.

97. In order to diffuse the protests, the régime announced that the schools could choose English or Afrikaans as a medium of instruction, subject to approval by the Minister of Bantu Education and Development. The West Rand Bantu Administration Board announced a plan to provide electricity for all houses in the Soweto complex in five to seven years. 40/

98. In the middle of July 1976 the Minister of Police and Justice, Mr. Jimmy Kruger, announced that Africans in Soweto and other townships would be given a greater say in their own affairs. He had in mind, however, merely the manning of police stations in the townships by blacks, recruitment of more black police reservists and greater authority on "urban bantu councils" which are despised by Africans as "useless boys' clubs".

38/ House of Assembly Debates (Hansard), 18 February 1976, Questions and Replies, cols. 261-263.

39/ Financial Mail, Johannesburg, 23 April 1976.

40/ In Soweto, only 25,000 of the 80,000 houses have electricity. Inadequate street lighting has been a constant complaint of residents.

99. The Minister of Bantu Administration and Development announced in August that Africans would again be allowed to lease homes in the urban areas. The purpose of this concession was apparently to woo the "middle class" in the African community.

100. It may be recalled that nearly a decade ago, the apartheid régime had abolished the right of Africans to lease homes in urban areas in "white" South Africa. In January 1975, after representations by "bantustan" leaders, it announced that urban Africans would again be allowed to obtain 30-year leases.

101. When the necessary regulations were published, however, the African people found that the granting of leases was subject to conditions which required the African to render services in the urban area and to produce proof of citizenship in a bantustan. 41/ In other words, no African could even obtain a lease on a home in a segregated township unless he accepted apartheid.

102. In August 1976, it was announced that the apartheid régime would drop the requirement of bantustan citizenship. Leases would be available to Africans who had resided continuously in an urban area for 15 years or worked for the same employer for 10 years. Press reports indicated, however, that few Africans could obtain leases because of poverty and that building societies and insurance companies were reluctant to grant mortgages to Africans and to cover such mortgages in the African townships.

103. These few concessions were rejected by black leaders with derision. They stressed that their struggle was for total equality and not for a few amenities. The apartheid régime, for its part, categorically refused to consider any proposals for political equality.

104. Prime Minister Vorster told the Free State Nationalist Party Congress in September:

"I am prepared to discuss and put right any reasonable grievances affecting black people in urban areas which do not concern one-man one-vote." 42/

105. In short, the régime would consult only with those Africans, especially tribal chiefs and members of apartheid institutions, whom it chose as spokesmen; it would only consider "grievances" which it regarded as reasonable; and it would refuse any political rights for the Africans so that it could preserve total white domination.

41/ House of Assembly Debates (Hansard), 27 January 1976, Questions and Replies, col. 3.

42/ Comment and Opinion, Pretoria, 17 September 1976.

IV. REPRESSION AGAINST OPPONENTS OF APARTHEID

106. The South African régime has launched a wave of repression since September 1974 when the black people in South Africa held demonstrations to hail the victory of the liberation struggle in Mozambique. Numerous persons - especially young black leaders - were detained for long periods in an effort to suppress the "black consciousness" movement. Further detentions followed in the wake of the South African aggression in Angola.

107. The régime has instituted a series of trials under obnoxious security legislation. Nine leaders of the South African Students Organization and the Black People's Convention were charged under the Terrorism Act and other laws and the trial is still continuing.

108. A number of persons were tried on charges of recruiting blacks for guerrilla warfare. Several persons, particularly white intellectuals, were tried on charges of disseminating publications of the African National Congress.

109. The Christian Institute of Southern Africa stated in a recent report:

"It is believed that from 1974 until the end of April 1976 at least 217 people have been detained for varying periods of time under one or other of the South African security laws for an estimated total of 22,566 days. Of those detained only 81 have been charged in a court of law. Many of those charged were either acquitted or the State withdrew the charges against them." 43/

110. In May and June 1976 the Government enacted two new Draconian security laws, the Parliamentary Internal Security Commission Act and the Internal Security Amendment Act.

111. After the massacre of 16 June (see para. 5 above), the régime arrested thousands of demonstrators and charged them with public violence, riotous assembly and other offences. In many recent cases it framed charges under the "Sabotage Act" of 1962 so that the accused might be subjected to minimum sentences of five years' imprisonment.

112. At the same time, it proceeded with the systematic detention of all known leaders of the "black consciousness" movement, encompassing nearly 70 organizations. It utilized for this purpose the newly enacted Internal Security Amendment Act, which provides for the indefinite detention of any person suspected of endangering State security or of being a potential State witness in a trial under security legislation.

43/ Christian Institute of Southern Africa, South Africa - A "Police State"? (20 September 1976).

113. Those detained included practically the entire leadership of the Black People's Convention, the South African Students Organization, the South African Student Movement, the black Community Programme, the Black Women's Federation, the Black Parents' Association of Soweto, and black church and cultural organizations. A number of black journalists and photographers were detained, apparently in order to prevent reporting on the upsurge of the black people and the brutality of the racist régime.

114. The Christian Institute of Southern Africa reported that as at 10 September 1976, 300 people were believed to be in detention. In addition, 2,600 persons were officially reported to have been arrested in connexion with demonstrations since 16 June 1976: the actual number of arrests is, in fact, believed to be far higher.

A. New legislation

1. Parliamentary Internal Security Commission Act

115. The Parliamentary Internal Security Commission Act, which became law in May 1976, provides for the establishment, on a permanent basis, of a Parliamentary Internal Security Commission composed of 10 members of Parliament appointed by the State President to investigate matters affecting internal security. The Government may refer to the Commission suspected activities or organizations, as well as existing or contemplated legislation.

116. The Commission will have the power to summon anyone to appear before it. It will be an offence to refuse to answer questions or produce documents on demand; offenders will be subject to six months' imprisonment at a time. There is no provision for the formulation of any charges against persons or organizations under suspicion, for entitling them to legal representation or even for informing them of the allegations against them. The reports of the Commission may be withheld by the Prime Minister, in part or as a whole, "in the public interest".

117. The Commission will be similar to the Schlebusch-Le Grange Commission whose "investigations" in recent years have led to the banning and imprisonment of many opponents of apartheid and the declaration of the National Union of South African Students and the Christian Institute of Southern Africa as "affected organizations", thereby prohibiting them from receiving any funds from abroad. The Act was strongly opposed by both Opposition parties in Parliament which refused to participate in the proposed Commission.

118. The International Commission of Jurists described the provisions of the Act as "a legalized witch-hunt".

2. Internal Security Amendment Act

119. On 5 May 1976, the Government introduced the Promotion of State Security Bill to strengthen the powers of the police under the Suppression of Communism Act of 1950 and to extend the provisions of the Act.

120. Under this bill, which applies to South Africa as well as Namibia:

(a) Any member of the police force may detain anyone for seven days without warrant on suspicion of engaging in activities endangering State security;

(b) The Minister of Justice may detain anyone without trial and without means of communication for one year on suspicion that he has engaged in activities which "endanger the security of the State or the maintenance of public order". The detention can be extended for 12 months at a time. (Under the Suppression of Communism Act, the Minister of Justice can take action only on the grounds that a person is "furthering the aims of Communism".) A three-man review committee headed by a judge will secretly review the detention, but the Minister of Justice is not bound by its recommendations;

(c) The Attorney-General may order the detention, in solitary confinement, of any prospective witness for the State, in a trial under security legislation, for six months at a time;

(d) The Minister of Justice may ban any publication if it is considered to contain information endangering State security or public order;

(e) Organizations may be banned and individuals restricted under the Suppression of Communism Act even if they are not Communists (this was already done in practice in the past, but the bill seeks to formalize and extend the banning and restrictions);

(f) The title of the Suppression of Communism Act will be changed to "State Security Act".

121. The bill was widely condemned in South Africa by the United Party and the Progressive Reform Party, the Johannesburg Bar Council, the Cape Bar Council, the Free State Division of the Society of Advocates, the Port Elizabeth Anglican Synod, and the Black Sash. It was seen as an extension of the Parliamentary Internal Security Commission Act, designed to imprison those pointed out by the Parliamentary Internal Security Commission in its "McCarthy-type witch-hunts".

122. On 14 May 1976, when the bill passed its third reading in the House of Assembly, the Minister of Justice revealed his purposes. He alleged that young "black power activists" were causing "polarization" in South Africa with the help of the Christian Institute of Southern Africa, and that other people were organizing black trade unions in order to use strikes as sparks to revolution. He warned them not to "push" until the régime was forced to act against them.

123. On 25 May, the title of the bill was changed in the Senate to "Internal Security Amendment Bill" after the Opposition began to refer to it as the "SS bill". 44/

44/ Senator R. R. Bamford of the Progressive Reform Party said in the Senate on 25 May 1976 that the bill was virtually the same as the "Edict of night and fog" issued by Nazi General Keitel in 1942 under which tens of thousands of West Europeans were moved into Eastern Europe.

B. Trials of opponents of apartheid

124. A large number of political trials were instituted under repressive legislation during the period under review. Many of the accused, as well as State witnesses, had been kept in detention for long periods without any means of communication prior to the trials. The press and the public were not aware of the detention of many of them until they appeared in court. A number of them alleged assaults and torture in prison.

125. Several persons accused in these trials declared in court that they had engaged in activities against the apartheid régime because of their convictions. A number of witnesses who refused to give evidence for the State, despite threats, were given harsh sentences. Black people attended several political trials and demonstrated admiration for the accused leaders, in spite of intimidation by the Security Police.

126. Some of the main political trials during the period are briefly reviewed below. 45/

1. "Black consciousness" trial of leaders of the South African Students Organization and the Black People's Convention

127. The mammoth political trial of nine leaders of the South African Students Organization (SASO) and the Black People's Convention (BPC) in the Pretoria Supreme Court has lasted for more than a year. As the Christian Institute of Southern Africa pointed out:

"The trial has become recognized as the 'trial of black consciousness' rather than of the nine accused, and has a particularly novel aspect. There are no physical acts of terrorism or recruitment alleged in the 82-page indictment apart from charges of writings, allegedly composed or distributed by the nine accused. Instead the charges relate to the September 1974 'Viva FRELIMO' rallies, SASO and BPC documents and speeches, and the very concept and theory of the black consciousness philosophy." 46/

128. As Mr. Justice Boshoff pointed out, the defence is required, in terms of the Terrorism Act, to prove that the acts of the accused - among others, their writings, speeches and philosophy - were not likely to:

- (a) Embarrass the administration of the affairs of State;
- (b) Promote general dislocation, disturbance or disorder;
- (c) Cause substantial financial loss to any person or the State;
- (d) Cause further feelings of hostility between white and other inhabitants of the Republic;
- (e) Hamper or deter any person from assisting in the maintenance of law and order.

45/ Much of the information in this section is based on two publications of the Christian Institute of Southern Africa, namely Detention and Détente in Southern Africa (30 April 1976) and South Africa - a "Police State"? (20 September 1976).

46/ Christian Institute of Southern Africa, South Africa - A "Police State"? (20 September 1976).

Otherwise, they would be presumed guilty, subject to a minimum sentence of five years' imprisonment and a maximum sentence of death.

129. The accused had been detained in the nation-wide arrests shortly after the rallies on the tenth anniversary of FRELIMO on 25 September 1974. Twelve men were charged under the Terrorism Act on 31 January 1975. Ten days later, Mr. Sivalingham Moodley was also charged under the same Act. On 23 June 1975, when the case collapsed and the judge decided to quash the indictment for vagueness, the State withdrew all charges. Soon after, it served new indictments against nine men, with individual indictments against Mr. Rubin Hare and Mr. Sadecque Variava. ^{47/} The trial of the nine men began on 4 August 1975. Several of the accused and State witnesses alleged brutal assaults during detention.

130. After the State closed its case, Mr. Justice Boshoff, in March 1976, granted the discharge of 7 of the 13 counts against the accused.

131. The defence opened its case on 29 May 1976. The accused and a number of witnesses then explained the principles and objectives of the "black consciousness" movement and rejected the allegations of the prosecution that they planned violent resistance.

132. The defence closed its case in August 1976 and the trial was remanded to October for arguments. The Christian Institute of Southern Africa pointed out:

"The remarkable feature of this trial is the prominence that the concept of 'black consciousness' has played in charges under the Terrorism Act. The 'Viva FRELIMO' rally marked the beginning of a decisive step in the political awareness of blacks in South Africa, as it was after this rally that more and more leaders of the 'black consciousness' movement were detained and several political trials resulted, the largest series of political trials since the sabotage and communism trials of a decade ago. Each trial has received strong support and backing from the black community and the detentions have aroused widespread resentment and condemnation." ^{48/}

2. Trials of members of the National Youth Organization in Johannesburg

133. On 11 November 1975, six men and a woman - Messrs. Joseph M. Molokeng, Bheki W. J. Langa, Amos N. Mosondo, Benjamin S. Mfenyana, Andrew K. Molotsane, and Patrick Maisela and Miss Pumza Dyantyi - appeared in Johannesburg on charges under the Terrorism Act. On 26 January 1976, charges were withdrawn against Mr. Maisela, who was then indicted separately under the Suppression of Communism Act.

134. The accused were alleged to have conspired to form underground cells with the intention of:

(a) Collecting information on strategic installations to be passed on to accomplices for sabotage;

(b) Bringing about a revolution against the Government;

^{47/} The charges against Mr. Hare were subsequently dropped. The trial of Mr. Variava was postponed to November 1976.

^{48/} Christian Institute of Southern Africa, South Africa - a "Police State"? (20 September 1976).

(c) Studying the economy and the use of the black labour force in order to cripple it;

(d) Ultimately bringing about the downfall of the Government;

(e) Studying and smuggling revolutionary Communist literature for dissemination;

(f) Inciting people to undergo military or subversive training.

135. On 18 March 1976, the second day of the trial, spectators filled the court to capacity. After the court had adjourned, about 700 people gathered in the street in the back of the court and demonstrated with clenched fists, freedom songs and cries of Amandla Ngawethu (Power to the People). Police with dogs and batons attacked the people and dispersed them: at least four persons were arrested. The people then marched toward the Johannesburg railway station and were joined by workers on their way from work so that their number increased to 2,000. Leaflets by the banned African National Congress were distributed among the crowd which the police dispersed after four hours of clashes. A number of people, including at least two policemen, were injured and there were several arrests.

136. At the same time, a home-made clock bomb exploded in front of the offices of a newspaper, the Rand Daily Mail, scattering hundreds of leaflets of the African National Congress. According to an Agence France Presse report, the leaflet called on the people of South Africa to resist Vorster's policy of divide and rule by rejecting all apartheid institutions and to mobilize their forces to overthrow the apartheid régime by armed struggle. Several passers-by managed to get hold of copies of the leaflet before the police arrived to seize them.

137. The trial was then transferred to Pretoria in order to avoid public demonstrations. During the trial, five witnesses refused to give evidence before the court and other State witnesses gave hostile testimony. Some of these were then detained. One of the hostile witnesses was Mr. Jairus Kgokong, who produced a document in the handwriting of a Security Police Officer, Captain Cronwright, with instructions on what he should say. He said he had made his statement only after he had been assaulted and threatened by Captain Cronwright. 49/

138. On 4 May, Miss P. Dyantyi, Mr. B. Langa and Mr. B. Mfenyana (Molenjane) were acquitted. However, Miss Dyantyi was immediately re-detained "for questioning in connexion with another matter".

139. The Judge said he was satisfied that the main and first charge against the remaining four accused had not been proved and that he would put them on their defence but only on the second charge under the Suppression of Communism Act.

140. During the evidence for the defence, Mr. Molokeng claimed that the Security Police had interrogated him for 30 hours without a break after he had been arrested. Mr. Mosondo claimed that the police had torn up the statements he had

49/ Mr. Jairus Kgokong was immediately arrested on 24 March. He appeared on 30 March charged with perjury under the Official Secrets Act/alternatively theft. Bail was granted, but Mr. Kgokong was again detained on 13 July. While in detention, he appeared in court and the case was struck off the roll.

made after his arrest, claiming they were not satisfactory. Then, said Mr. Mosondo, he had been thrown to the floor by an African policeman who had put his boot on his neck. He had been threatened that he would be beaten up if he did not tell "the truth". Subsequently, a number of things had been written into a statement in his handwriting on Sergeant Smith's instructions. Mr. Molotsane claimed that he had been interrogated at length and had been assaulted.

141. Mr. Justice Irving Steyn convicted Mr. A. Mosondo and a Mr. D. Nhlapo and sentenced them to the minimum compulsory five years, refusing leave to appeal. Mr. Molotsane and Mr. Molokeng were found not guilty and discharged.

142. In passing sentence, the Judge said:

"I have found the investigational systems used in this case very suspect and I have kept this in mind throughout my judgement. In terms of the Act, my hands have been tied by legislation which has seen fit to lay down the minimum sentence of five years. Of all the people Mosondo and Nhlapo are alleged to have incited to undergo military training, I have only found them guilty of inciting two people. It was not wholesale recruitment."

143. As indicated earlier, Mr. Patrick Maisela was one of the original accused in the above-mentioned trial. Charges against him were withdrawn on 26 January 1976. A separate indictment under the Suppression of Communism Act alleging that he furthered the aims of communism and/or the African National Congress was served on him. The case was repeatedly remanded and finally, on 24 August 1976, all charges against Mr. Maisela were withdrawn as there was apparently no witness available.

3. Trial of members of the South African Student Movement in Grahamstown

144. Between October 1975 and February 1976, a number of students of the Healdtown Institute, all members of the South African Student Movement, were detained by the Security Police under the Terrorism Act.

145. On 3 June 1976, five of them - Messrs. Totmela Ndukwana, 19, Vuyo Jack, 20, Goodwin Mda, 19, Phumelele Sizani, 22, and Ngcola Hempe, 19 - were formally charged under the Terrorism Act for allegedly taking part in "terrorist activities" and planning to leave South Africa to undergo military training. Mr. Masters Tembeni, attorney for the defence, was detained in mid-August. The court then appointed another firm of attorneys in Grahamstown to be the instructing attorneys in the trial.

146. One of the State witnesses, Mr. Baleni, stated during cross-examination that he had tried to cut his wrists and arms with a razor blade and had been ill during February and May whilst at Fort Galmorgan Prison in East London. He had repeatedly asked for medication for his nerves and was given some tablets by the warders. He had often shouted at night, banging at the door of his cell: "Please God, help me - I don't want to be a State witness".

147. Mr. Baleni then took ill and was examined by the medical superintendent of the Fort England Mental Hospital who reported that he had gone into a psychotic state, ripped off most of his clothes and needed psychiatric treatment. He was admitted to hospital.

148. Mr. Tembani Pantsi, who had been detained since mid-October 1975, refused to give evidence for the State when called, saying:

"I refuse to give evidence against these men. God said, 'Blessed are those who thirst after righteousness' and these are people who thirst for righteousness."

149. The Judge, Mr. Acting Justice Steward, sentenced him to one month in gaol and then imposed a further 10 days' imprisonment for contempt of court after Mr. Pantsi made a "black power" salute in court.

150. Another witness, Mr. Don Qupe, also refused to give evidence and said: "I don't know why I was not charged and they (the accused) were charged. I don't want to give evidence against them. My desire is to be charged." He too was gaoled for a month. The judge remitted the remainder of the month's sentence the next day when Mr. Qupe decided to give evidence after being "shut in a cold cell".

151. On 29 June, the mother of one of the accused was called to give evidence against her son. Addressing the Judge, Mrs. Mayra Jack said:

"My Lord, I am worried and have to come to court with a sore heart because my son was arrested and I am called to give evidence. If things go my way I would not like to give evidence, but if I'm obliged to, I will have no alternative."

152. The defence counsel indicated that they would admit the evidence so that Mrs. Jack would not be required to live through the horrible experience of giving evidence against her own son.

153. When Mr. Collins Ndukwana, father of Totmela, was called to give evidence, the same procedure was adopted.

154. On 22 September, all five accused were found guilty of influencing each other and others to leave the country to undergo military training and were sentenced to five years' imprisonment. Mr. Ndukwana and Mr. Jack were sentenced to an additional five years for going to Durban with the intention of leaving the country. 50/

4. Trials of members of the African National Congress in Pietermaritzburg

155. Between December 1975 and March 1976, the Security police detained about 50 persons in Natal, under the Terrorism Act, apparently on suspicion of belonging to the underground organization of the African National Congress.

156. Ten of the detainees were charged in the Pietermaritzburg Supreme Court, on 14 May 1976, under the Terrorism Act and the Suppression of Communism Act. They were Messrs. Themba H. Gwala, 55, William F. Khanyile, 40, Anton N. Xaba, 42, John V. Nene, 32, Vusimusi T. Magubane, 32, Matthews N. Meyiwa, 51, Azaria Ndebel, 40, Zakhele E. Mlalose, 51, Joseph N. Nduli, 35, and Cleopas Ndhlovu, 42.

50/ Rand Daily Mail, Johannesburg, 23 September 1976.

157. They were charged with membership in the African National Congress; communicating with members of the organization in Swaziland; distributing "subversive" literature; planning routes by which people recruited for political or military training could be transported into Swaziland; and encouraging others to undergo such training outside the Republic in order thereafter to return and assist in the overthrow of the "Government of the Republic" by violent and forcible means.

158. On 2 July, Mr. Nduli and Mr. Ndhlovu stated in an application to the Supreme Court that they had been kidnapped on 25 March from Swaziland, where they had been granted asylum, and tortured by the South African Security Police. Mr. Nduli alleged that he had been subjected to continuous interrogation, torture and the "third degree" and made to stand blindfolded for five days and nights. He had been beaten on the shoulders, hung from rafters by a rope around his neck and, whilst in this position, given electric shocks.

159. The defence provided affidavits from a Pietermaritzburg specialist surgeon, Mr. Rene Denyssen le Roux, to the effect that he had found a number of scars on various parts of the bodies of the applicants. Mr. Nduli had scars on his forehead, the back of his head, the left side of his neck, his ring finger, six scars on his left forearm, two indistinct scars on his right forearm, 11 on his right leg and 9 on his left leg.

160. On 9 July, Mr. Justice van Heerden refused their application for release. He said he had come to the conclusion that the Supreme Court had jurisdiction to try the applicants "even if they had been arrested on Swaziland soil". He further stated that he was satisfied that the applicants had failed to discharge the onus of proof that they had been kidnapped. 51/

161. The main trial began on 12 July. It is still continuing.

5. Trial of Mr. Petrus Tshabalala

162. Mr. Petrus Tshabalala, 25, an African from Johannesburg, was tried in the Rand Supreme Court in March 1976 on charges under the Terrorism Act and the Suppression of Communism Act. He was alleged to have influenced or incited two friends - Mr. Lungisani Madiya and Mr. Peter Mahlangu - to leave the country with the objective of undergoing military training in Zambia for purposes of overthrowing the Government. The three had been arrested near the Botswana border in November 1975. Mr. Madiya and Mr. Mahlangu appeared as State witnesses in the trial.

163. The defence counsel argued that there was no evidence that Mr. Tshabalala had incited his two friends to undergo military training. They had merely decided, after listening to a Radio Zambia broadcast, to leave the country.

164. The defence also alleged that the three men had been taken to Mafeking after their arrest and brought to Johannesburg on 12 December for further investigation. They had been assaulted by the Security Police in Mafeking and Mr. Tshabalala had been in a hospital for 12 days.

51/ The Minister for Foreign Affairs, Mr. Hilgard Muller, confirmed that the Government of Swaziland had approached the Government of South Africa and demanded the return of the two men to Swaziland.

165. Mr. Justice Irving Steyn agreed with the defence submission that there was no strong evidence against Mr. Tshabalala and acquitted him. Mr. Tshabalala then instructed his attorney to sue the Minister of Justice for damages arising from assaults while in detention.

6. Trial of Mr. Bernard Trevor Bloem

166. Mr. Bloem was arrested on 6 February 1975 and subsequently charged under the Terrorism Act, the Suppression of Communism Act and other repressive laws. The State alleged that he had conspired with others to make contact with unlawful organizations and to obtain military training abroad.

167. More than a year after his arrest, on 27 February 1976, the Rand Supreme Court acquitted him on the charges under the Terrorism Act. He pleaded guilty to possessing a copy of Sechaba (the organ of the African National Congress) and of escaping from police custody. (His attorney said that he had been harshly interrogated at the police station on 6 February 1975 and had run out of the station. He did not resist when rearrested.) On these charges, he was sentenced to a fine of R 500 and six months' imprisonment suspended for three years. 52/

168. During this trial, Mr. Raymond Anthony Burgers, 25, and Mr. Patrick McGluwa, 23, refused, on 16 February 1976, to give evidence for the State after being held in detention without any means of communication for a full year. Mr. McGluwa said:

"I was subject to brutality while in detention ... My principles are the reason for refusing to give evidence. I am a politician and believe in black consciousness. We black people are always bound to white people. It will stay like this if I give evidence in this court against my black fellowman."

169. Mr. Burgers and Mr. McGluwa were gaoled for 10 days for refusing to give evidence. When they again refused on 20 February, they were each sentenced to a further term of 12 months' imprisonment.

7. Trial of Mr. Eric Molobi

170. Mr. Eric Molobi, 28, of Johannesburg, was detained on 20 February 1975 and charged in the Rand Supreme Court on 3 November 1975 under the Terrorism Act, the Suppression of Communism Act and other repressive legislation. He was accused of involving people in sabotage and of distributing subversive pamphlets.

171. In his testimony on 17 and 19 November, Mr. Molobi said he believed in non-violence. He admitted that he had prepared and distributed a pamphlet entitled "Freedom Now" which was against the bantustan policy and the so-called "multinational" sports. He had also become interested in promoting black trade unions and had discussed the matter with a representative of the African National Congress in Botswana in April 1974.

172. Mr. Molobi was sentenced on 24 November 1975 to five years' imprisonment on each of two counts, to run concurrently.

52/ Rand Daily Mail, Johannesburg, 28 February 1976.

173. During this trial, Mr. Frank Molobi, 28, a teacher and cousin of the accused, was called as a State witness on 17 November but refused to give evidence. He said he would not give evidence against a man with whom he shared the same political views and for a State that had shown no concern for the oppressed black people. The Court sentenced him to four months' imprisonment. He was released on bail pending appeal.

174. He was again charged in December 1975 with defeating the ends of justice by trying to influence State witnesses to give false evidence. A warrant for his arrest was issued on 11 December when he failed to appear in court. It was believed that he had fled South Africa.

175. Mr. Vincent Selanto gave evidence for the State in the case of Mr. Eric Molobi, but the evidence conflicted with the sworn statement he had given while in detention. He alleged that he had been assaulted while in detention and that the statement had been obtained under duress. He was then taken back into detention and subsequently charged with statutory perjury. The trial began on 10 February 1976.

176. Mr. Selanto claimed in his evidence on 24 June that after his arrest on 15 March 1975, he had been slapped and punched, and that his arm had been twisted. He had been taken to a toilet when he refused to make a "satisfactory" statement. "They dipped my head in the basin until I nearly lost consciousness. Then I decided to admit what they wanted me to say so that the torture could stop." He had attempted to commit suicide whilst in detention. He had been kept in solitary confinement for nine months. His health had deteriorated: he had experienced dizzy spells and had vomited blood.

177. Mr. Selanto was acquitted on 9 July because two Security Police gave conflicting evidence on their interrogation of him.

8. Trial of Mr. Hamilton, Mr. Weimers and Mr. Ramrock

178. Three young men from the Noorgesicht Coloured township - Mr. Weizman Hamilton, 21, Mr. Christopher Weimers, 21, and Mr. Johnny Herbert Ramrock, 24 - were detained in February 1975 and charged many months later under the Terrorism Act and the Suppression of Communism Act. They were granted bail after 200 days in solitary confinement. The charges against them were withdrawn in the middle of March 1976, but they were immediately redetained under the Terrorism Act. They were released after another two months in gaol. Mr. Hamilton and Mr. Ramrock were served with banning and house arrest orders immediately on release.

9. Trial of Mr. Breytenbach

179. Mr. Breyten Breytenbach, a prominent Afrikaans poet who had lived in exile in Paris, was arrested on 19 August 1975, a few days after he had arrived in South Africa on a false passport.

180. On 7 November, he was served with an indictment charging him, under the Terrorism Act and the Suppression of Communism Act, with setting up an illegal organization, known as "Okhela" or "Atlas", in support of the African National Congress. The aim of the organization was the "revolutionary transformation of South African society under the leadership of the black liberation movement" by various means, including armed struggle and underground work.

181. When the trial began in the Pretoria Supreme Court on 20 November, Mr. Breytenbach pleaded guilty to the charges with certain amendments and the prosecutor accepted the amendments.

182. Mr. Breytenbach was sentenced on 26 November to nine years' imprisonment, though the prosecutor had supported the defence plea for the minimum sentence of five years provided under the Terrorism Act. An application by Mr. Breytenbach for leave to appeal against his conviction and sentence was rejected by the Appellate Division in Bloemfontein in March 1976.

10. Trial of Mr. Raymond Suttner

183. Mr. Raymond Sorrell Suttner, 30, a senior law lecturer at the Natal University, was sentenced on 13 November 1975 to seven and a half years' imprisonment on charges under the Suppression of Communism Act. He had pleaded guilty to furthering the aims of the South African Communist Party and the African National Congress. It was alleged that he had formed an underground cell to distribute pamphlets.

184. Mr. Suttner made a statement from the dock on conviction reaffirming his beliefs and saluted the crowd in the gallery with a "black power" clenched fist. The crowd returned the salute and sang the African national anthem, Nkosi Sikeleli i Afrika (God Save Africa).

11. Trial of Mr. and Mrs. Rabkin and Mr. Cronin

185. Mr. David Rabkin, a journalist, Mrs. Susan Rabkin, his wife, and Mr. Jeremy Cronin, a lecturer at the University of Cape Town, were detained on 28 July 1976. On 7 September, they were charged under the Terrorism and Internal Security Acts. They were alleged to have conspired with members of the African National Congress and the South African Communist Party since 1973 and furthered the aims of those organizations. They were also charged with producing and distributing a number of pamphlets. Mr. Rabkin and Mr. Cronin pleaded guilty to the two charges and Mrs. Rabkin to the second charge.

186. Mr. Rabkin and Mr. Cronin read statements to the court that their actions had been motivated by a patriotic desire for an undivided and peaceful South Africa. On 29 September, Mr. Rabkin was sentenced to 10 years' imprisonment and Mr. Cronin to seven years. They gave the clenched-fist "black power" salute to the crowd in the courtroom gallery after the sentence.

187. Mrs. Rabkin was sentenced to 12 months' imprisonment, of which 11 months was suspended on condition that she leave the country.

12. Trial of leaders of the National Union of South African Students

188. In December 1975, five young men connected with the National Union of South African Students (NUSAS) were charged under the Suppression of Communism Act and the Unlawful Organizations Act. After several delays the trial began in April 1976. The accused were Mr. Cedric de Beer, 23, a NUSAS official in charge of seminars, Mr. Glenn Moss, 23, a former president of the Students' Representative Council of the University of Witwatersrand, Mr. Charles David Nupen, 25, a former president of NUSAS, Mr. Karel Simon Tip, president of NUSAS until November 1975,

and Mr. Edward Charles Webster, 33, a sociology lecturer at the University of Natal and a former member of NUSAS executive.

189. They were charged with offences committed between October 1973 and August 1974, namely associating themselves with and conspiring to promote the policies of the South African Communist Party and the African National Congress. The main accusation was the launching of a campaign for the release of political prisoners. Other offences included publication of the "Freedom Charter" which was adopted by the African National Congress and associated organizations in 1955, arranging of meetings to hear black leaders, and organization of protest marches. It was alleged that, at a seminar in December 1973, they had discussed student action towards an egalitarian society; action to effect reorientation of the existing educational system; reform of the university structure; and encouragement of a black trade union movement and "black consciousness" as a means for change.

190. The Rand Daily Mail commented on 12 March that the trial would strike "at the root of working for change in this country". The trial is still continuing.

C. Ill-treatment and torture of prisoners

191. In their efforts to suppress growing resistance, the South African Security Police have increasingly resorted to ill-treatment and torture of detainees.

192. A large number of persons appearing in court as defendants or witnesses in various political trials have testified against the Security Police (as indicated in section B above), but the courts have taken no action.

193. Moreover, at least three persons have died in detention during the past year.

194. Mr. Mosobiya Joseph Mdluli, 51, a member of the African National Congress, was arrested in Durban on 18 March 1976 and detained under the Terrorism Act. He was found dead in his cell the next day, 19 March.

195. His widow told the press that he had been in perfect health when he was arrested. She went to the mortuary, after being informed of his death, to identify his body, but was not allowed to see him. When she was eventually allowed to see the body, after two days, she found that it was badly bruised, cut and swollen. She said:

"A severe swelling stretched across his forehead, his lower lip was bruised and cut, and his stomach was dilated to twice its normal size.

"I lifted his head and saw two criss-cross cuts at the base of his skull near the back of his left ear. Watery substance was oozing from the wounds which measured from 3 cm to 5 cm." 53/

196. Mr. Mlungifi Mxenge, the family's attorney, also told the press that Mr. Mdluli had been in sound health before his death. The Security Police arrested Mr. Mxenge on 24 March. The passport of Mr. T. L. Skweyiya, the advocate instructed by Mr. Mxenge, was confiscated.

53/ On 13 May 1976, the African National Congress released to the press in London photographs of the body of Mr. Mdluli; showing signs of torture.

197. On 11 June, the Minister of Justice, Mr. Jimmy Kruger, told the House of Assembly that no inquest would be held on the death of Mr. Mdluli as the Attorney-General of Natal had decided to charge four police officers with culpable homicide. The four officers were charged in Durban on 17 June but were released on their own recognizances.

198. Mr. Mapetla Mohapi, 25, a leader of the "black consciousness" movement and the father of two small children, died on 5 August 1976 while in detention near East London. The Government alleged suicide. A former official of SASO and BPC, Mr. Mohapi was then an administrator for the Zimele Trust Fund, which assists in the rehabilitation of former political prisoners. Father Aelred Stubbs, a member of the Community of Resurrection at Rosettenville, who had known Mr. Mohapi, described him as "the most outstanding of the younger generation of black consciousness leaders". 54/

199. Both doctors representing Mrs. Mohapi at the post-mortem were detained in the next few days. The Chairman of the Zimele Trust Fund, Mr. Master Tembeni, who called for an investigation of the death of Mr. Mohapi, was also detained.

200. Mr. Luke Mazwembe, 32, died in Cape Town on 3 September 1976, only two hours after he had been detained. He had been a member of SASO.

54/ The Times, London, 7 August 1976.

V. BUILD-UP OF MILITARY FORCES

201. The South African régime has embarked on a further expansion of its military establishment during the period under review, especially after the defeat of its aggression in Angola.

202. The budget estimates for 1976/77 provide R 1,350 million for defence, or about a 40 per cent increase over the previous year, when the estimate, including an additional appropriation, was R 970,661,000. ^{55/} The following table shows the phenomenal increase of the military budget since the Sharpeville massacre of 1960:

<u>Year</u>	<u>Estimates for defence</u> <u>(in millions of rand)</u>
1960/61	44
1970/71	257
1971/72	316
1972/73	344
1973/74	447
1974/75	692
1975/76	971
1976/77	1,350

203. In addition, the Minister of Finance announced on 31 March 1976, while introducing the budget for 1976/77, that voluntary subscriptions would be invited for "special defence bonds" to be used for buying arms and defence equipment. The Government subsequently set a target of R 120 million for the bonds. ^{56/}

204. The South African régime is apparently anxious to expand its Navy in the hope of enticing other Powers to co-operate with it in the Indian Ocean and South Atlantic zones. South African Digest, a government periodical, reported on 7 November 1975:

"... the Navy is at present drawing up a programme of its needs for the next few years which include missile-carrying corvettes and more submarines. Missiles boats are under construction and existing frigates are being modernized."

Subsequently, it was reported that South Africa had signed contracts to obtain corvettes from Israel and submarines from France.

^{55/} Because of the Angolan campaign, the South African Parliament approved an additional expenditure of R 31 million for defence for the fiscal year 1975/76.

^{56/} Rand Daily Mail, Johannesburg, 15 July 1976.

205. Government spokesmen are also active in creating a war psychosis in the country. Major-General Neil Webster, Director-General of Resources of the South African Defence Force, was quoted as warning in February 1976: "South Africans, like the Israelis, must get used to the idea of living with a warlike situation for some years to come." 57/

206. The Minister of Defence, Mr. P. W. Botha, told the Nationalist Party Congress in Natal on 13 August 1976 that South Africa would have to spend more on defence and that military service would probably have to be extended. He disclosed that more blacks would be recruited into the overwhelmingly white Defence Force. 58/

A. Defence Amendment Act, 1976

207. In January 1976, at the height of its aggression in Angola, the South African régime introduced the Defence Amendment Bill in Parliament. The bill was prompted by doubts about the legality of the intervention in Angola, even under South African law, and was intended to give the régime a licence to intervene militarily in other African countries. 59/ It provided, retroactively, for the extension of compulsory service to "armed conflict" or suppression of "terrorism" beyond the country's borders by defining "South Africa" as "Africa south of the Equator". 60/

208. This bill was strongly condemned by neighbouring African States. At the summit meeting of the Heads of State of Botswana, Mozambique, United Republic of Tanzania and Zambia, held at Maputo on 7 February, the Chairman, President Julius Nyerere of the United Republic of Tanzania, declared that this was the most arrogant legislation ever heard of. The South African régime, he said, was challenging the freedom of the four nations and he pledged that the régime would be fought and defeated.

B. Expansion of armed forces

209. The Minister of Defence, Mr. P. W. Botha, told the House of Assembly on 18 February 1976 that 56,970 national servicemen had been called up for Defence Force duties in 1975, as against 51,390 in 1974; the number included national servicemen called up for the first time and those who were granted deferment in previous years. 61/

210. Major-General Neil Webster said, in an interview on 19 January 1976, that the Permanent Force must be doubled as soon as possible in order to enable the Defence

57/ Ibid., 3 February 1976.

58/ The Times, London, 14 August 1976.

59/ Under the original Defence Act, no member of the South African Defence Force could be required to serve outside South Africa without his written consent.

60/ Defence Amendment Act (No. 1 of 1976), 1976; House of Assembly Debates (Hansard), 2 February 1976, cols. 397 passim; ibid., 3 February 1976, cols. 477 passim; ibid., 9 February 1976, cols. 825 passim.

61/ House of Assembly Debates (Hansard), Questions and Answers, 18 February 1976, col. 267.

Force to reach its ultimate efficiency. At present, only 6 per cent of the Defence Force were Permanent Force officers and men; the full time soldiers, he said, should form at least 15 per cent of the total force. 62/

211. Mr. P. W. Botha told the Cape Nationalist Party Congress on 22 September 1976 that Defence Force Chiefs were conducting an intensive inquiry into means to expand the Permanent Force. 63/ On 17 December 1975, he announced that some Citizen Force units would be sent for service in the "operational area" and that their term of service would be increased from 3 to 12 weeks. Thousands of Citizen Force men were then called up and sent to Angola and Namibia. The call-up continued even after the South African troops were obliged to withdraw from Angola. 64/

212. It was reported that women were being increasingly recruited into the commandos to perform such duties as communications and driving so that men might be released for active service. 65/

213. The régime proceeded to recruit more blacks into the armed forces. The first Coloured troops to receive combat training, all volunteers, began training at the end of January 1976. 66/ The Minister of Defence disclosed in May 1976 that two units, comprising altogether 400 "non-whites", had fought with the South African forces in Angola. 67/

214. The Defence Force was also training "bantustan" armies. In December 1975, the Minister of Defence announced the establishment of a new military base at Umtata and the transfer of senior Defence Force personnel to help train the Transkei army. The first intake of 70 recruits from the Transkei had ended their basic training in December 1975 and future training of recruits was to be done at the new base at Umtata. 68/ The Transkeian police force, several of whom had done "anti-terrorism" duty on the "border", 69/ was reported to have grown from 100 in 1963 to 750 in 1976. Chief Matanzima announced in April 1976 that the Transkei would introduce conscription for its own citizen force army. 70/

215. Reference may also be made to the announcement in December 1975 by General Gert Prinsloo, Commissioner of Police, that a crack police unit to combat "urban terrorism", was being formed. He said the unit would be based in Pretoria

62/ Rand Daily Mail, Johannesburg, 20 January 1976.

63/ Ibid., 23 September 1976.

64/ The Star, Johannesburg, weekly airmail edition, 3 April 1976.

65/ Ibid., 6 March 1976; Financial Mail, Johannesburg, 6 February 1976.

66/ The Star, Johannesburg, weekly airmail edition, 24 January 1976.

67/ Ibid., 8 May 1976.

68/ Rand Daily Mail, Johannesburg, 11 December 1975; The Star, Johannesburg, weekly airmail edition, 13 December 1975.

69/ South African Digest, Pretoria, 19 March 1976.

70/ Rand Daily Mail, Johannesburg, 14 April 1976.

but would be deployed to various parts of the country in times of emergency. 71/ This special unit was employed for suppression of demonstrations after the Soweto massacre of 16 June 1976.

C. Manufacture of arms

216. An armoured infantry combat vehicle, designed and manufactured in South Africa, the Ratel, was given the first public viewing in Potchefstroom in May 1976. It was reported that it could be transformed from an armoured personnel vehicle into a combat and support vehicle. 72/

217. Lieutenant-General Robert Rogers announced on 28 May 1976, in an address to the Air Force Association in Pretoria, that the South African Air Force's new Mirage F-1 and Impala 2 aircraft had been put into operation. He said that the Mirage contained a very sophisticated navigational and weapons system. The Impala, he said, could be invaluable in low intensity warfare. 73/

D. Import of arms

218. The Minister of Defence, Mr. P. W. Botha, disclosed in May 1976 that the Defence Force had acquired new artillery, but declined to disclose the name of the supplying country. He also said that South Africa was improving its anti-aircraft defences and air-to-air missiles and had acquired more helicopters and anti-tank weapons. 74/

219. In July 1976, it was reported that France had sold two destroyer escorts to South Africa. Early in August 1976, it was reported that Israel had agreed to sell two missile-equipped corvettes to South Africa. Reports concerning loopholes in the arms embargo imposed by several countries continued.

220. In the United Kingdom of Great Britain and Northern Ireland, for instance, the Anti-Apartheid Movement stated that several breaches of the embargo had taken place. One of these concerned a contract signed by Marconi Communications Systems Limited in December 1975 to supply South Africa long-range communications equipment (Tropospheric Scatter Communications System) valued at £8 million for the use of its Defence Force. This contract was apparently possible because of the provisions in the 1970 Customs and Excise Export of Goods (Control) Order permitting the export of a wide range of equipment to South Africa without licence.

221. Mr. Jock Hall, an electronics engineer with Marconi, who refused to work on the contract with South Africa, said:

"The effect of the Order is that, while actual arms are controlled, an enormous range of high technology products and materials of military value

71/ The Star, Johannesburg, weekly airmail edition, 6 December 1975.

72/ Ibid., 8 May 1976.

73/ Rand Daily Mail, Johannesburg, 4 June 1976.

74/ The Star, Johannesburg, weekly airmail edition, 8 May 1976.

recognized by the legislation can be sent to South Africa without any check at all. They need not even be declared at customs. Thus British industry cannot actually arm South Africa, but is free to provide most of the necessities for the South Africans to arm themselves without any obligation to inform the Government." 75/

222. Mr. Rufus Harris, a researcher for the Anti-Apartheid Movement, disclosed that British firms could also get around the embargo by: supplying spare parts for equipment already purchased; permitting by licence, or sale of patents, the manufacture of British designs in South Africa; operating through South African subsidiaries not subject to British law and enabling the South African armaments industry to buy British technology through the employment of British technicians. 76/

223. Answering questions in Parliament, the Government of the United Kingdom reaffirmed its adherence to the arms embargo. Mr. Anthony Crosland, the Secretary of State for Foreign and Commonwealth Affairs, announced at the end of April 1976 that export of tropospheric scatter equipment would be brought under control. 77/

224. It was disclosed in March 1976 that South Africa was able to obtain British engines for Centurion tanks through the island of Jersey. 78/ In June 1976, Technical Support Services, Ltd., a Jersey firm, was prosecuted under the Jersey export laws for falsifying export documents and for contravening the island's export laws. 79/

E. Other developments

225. The South African Navy frigate, President Kruger, participated in the naval review held in New York on 4 July 1976 to commemorate the United States bicentennial. It was the first time that a South African warship had visited the United States. 80/

75/ The Observer, London, 18 April 1976. Mr. Hall was dismissed by the company for refusing to work on the order, but was subsequently reinstated after protests.

76/ Ibid.

77/ The Times, London, 1 May 1976.

78/ Sunday Times, London, 28 March 1976.

79/ The Guardian, London, 2 June 1976.

80/ Rand Daily Mail, Johannesburg, 4 June 1976.

VI. SPORTS AND APARTHEID

A. Progress of campaign against apartheid in sports

226. The campaign for the boycott of South African sports teams, which are selected on the basis of apartheid, registered significant advances during the past year.

227. The World Boxing Council decided at Tunis on 5 December 1975 not to recognize South African professional boxing authorities or boxers. A statement by the Council read:

"The World Boxing Council will no longer recognize professional boxing associations in South Africa as long as apartheid exists in that country. In consequence, all South African boxers will no longer be included in the Council world ratings." 81/

228. The Squash Rackets Association of South Africa was obliged to withdraw from the World Amateur Team squash championship in London in May 1976. The withdrawal followed a decision by the Government of the United Kingdom to withhold a grant for the championship if a team from South Africa was allowed to compete. 82/

229. South Africa was expelled from three more international sporting federations at their congresses in Montreal in July 1976. On 16 July 1976, the Federation of International Football Associations (FIFA) expelled the Football Association of South Africa for practising apartheid in soccer. 83/ On 22 July, the International Amateur Athletics Federation (IAAF) expelled South Africa for practising racial discrimination in athletics. South Africa was also expelled from the International Swimming Body (FINA) on 30 July.

230. The boycott of the Olympic Games in Montreal in July-August 1976 by 29 African nations, as well as Guyana, Iraq and Sri Lanka, helped to publicize international opposition to apartheid in sports. A South African hospitality centre, established in a Montreal hotel during the Olympics, was obliged to close after protests against apartheid

81/ The Star, Johannesburg, weekly airmail edition, 6 December 1975.

82/ Rand Daily Mail, Johannesburg, 11 March 1976. However, three South African players were allowed to compete in the World Amateur individual squash championships, which followed the team championship, as the grant was not denied to individual contests, despite protests by anti-apartheid groups (Rand Daily Mail, Johannesburg, 11 and 13 May 1976). Members of the official teams of India, Kuwait and Pakistan withdrew rather than play South Africans (Agence France Presse, 17 May 1976).

83/ South Africa had previously been suspended from FIFA from 1964 to 1976. At its last Congress in the Federal Republic of Germany, FIFA amended its statutes to provide for the expulsion of any country which has discriminatory laws. A three-man FIFA delegation visited South Africa in March 1976 to investigate the situation.

231. The Government of Jamaica announced on 29 June that sportsmen who had played in South Africa would not be allowed to enter Jamaica.

232. A number of national teams boycotted international sports competitions in which South Africa was allowed to participate.

B. Continued sports exchanges with South Africa

233. However, some international sports bodies continued to remain insensitive to the problem of apartheid.

234. This has been particularly true of tennis where the International Lawn Tennis Federation and the Davis Cup Management Committee are dominated by a few Western nations because of weighted voting.

235. Though South Africa was suspended from the Davis Cup in 1970 on the initiative of the United States of America following the refusal of a visa by the South African régime to a black tennis star, Arthur Ashe, the two international bodies have since then rejected all proposals to expel or suspend South Africa. They have allowed South Africa to play first in the Latin American zone and then in the North American zone, and thereby provoked countries opposed to apartheid.

236. At the meeting of the Davis Cup Management Committee in London on 1 July 1976, a motion for the exclusion of South Africa from the 1977 competition failed to obtain the required majority.

237. Motions to exclude South Africa were rejected by the Davis Cup Management Committee and the International Lawn Tennis Federation Congress in July 1976 for lack of the required majority.

238. On the other hand, Western members of the Davis Cup Management Committee proposed motions to exclude Mexico from the 1977 competition because of its refusal to play against South Africa in 1975 and 1976 - and a general motion to suspend any nation for not competing in the Cup for "political reasons"; these also failed for lack of the required majority. ^{84/} The United States Tennis Association then announced withdrawal from the Davis Cup organization and its international competition. Britain and France also announced withdrawal from the 1977 competition. However, following a request by the International Lawn Tennis Federation on 7 July that they reconsider their decision, the three countries indicated that they would participate in the 1977 competition, considering that a "neutral year".

239. South Africa also participated in the Federation Cup tennis tournament held at Philadelphia between 22 and 29 August 1976. The tournament for women, which is the equivalent of the Davis Cup competition, was also organized by the International Lawn Tennis Federation. Because of South Africa's participation, the national

^{84/} Mexico refused to play South Africa in 1975 and 1976 when the latter was allowed to compete in the North American zone. India had refused to play South Africa in the Davis Cup final in 1974 and forfeited the Cup.

teams from the Philippines, the Soviet Union, Czechoslovakia, Indonesia, and Hungary withdrew from the tournament.

240. The South African régime and sports bodies have increased their efforts to persuade other Governments and sports bodies to maintain or restore sporting exchanges. They have had only limited success, however, except in the case of some local teams in several Western countries.

241. A notable exception was New Zealand where a new Government, which came into power in November 1975, reversed earlier policy by declaring that it would not interfere with decisions by sports bodies to send teams to tour South Africa and that it would not prevent South African teams from visiting New Zealand.

242. The New Zealand Softball Association then extended an invitation to a South African team to participate in the World Softball Championship, held at Wellington, New Zealand, from 31 January 1976. Following protests by a number of New Zealand organizations and the Special Committee against Apartheid, many countries refused to participate in the championship. ^{85/} According to New Zealand press reports, the number of demonstrators was greater than the number of spectators at the competitions. However, the championship was opened by the Governor-General of New Zealand.

243. Despite the opposition to the Softball Championship and despite appeals from the United Nations, the Commonwealth Secretary-General, the non-racial South African Council on Sport and others, New Zealand continued sporting contacts with South Africa. The "All Blacks" rugby team began a two-month tour of South Africa from the end of June 1976. This tour, taking place soon after the Soweto massacre, aroused great resentment in Africa and in other areas. Twenty-nine African and three other States boycotted the Montreal Olympics in protest against the "All Blacks" tour.

244. Subsequently, the New Zealand Government reaffirmed its opposition to apartheid and stated, in a press release, after consultations with the Special Committee on 29 September:

"The Government does not ... seek to dictate to New Zealand sports bodies what teams they should or should not play against. It does, however, deplore the selection of any team in any country on a basis other than merit. It notes the concern expressed by the Special Committee about contacts with South African teams selected on a racial basis and will draw the attention of New Zealand sports bodies to the relevant United Nations resolutions. The Government does not welcome, encourage or give official recognition to sports contacts with teams selected on a basis other than merit."

C. New sports policy

245. In view of increasing international opposition to apartheid in sports and demands by South African sports bodies for action to save them from international isolation, the South African régime has made further adjustments in its policy.

^{85/} While 45 countries are members of the International Softball Federation, only seven teams participated and a majority of those were not national teams.

246. On 23 September 1976, Mr. Piet Koornhof, the South African Minister of Sport and Recreation, announced a new sports policy accepted by the federal council of the ruling Nationalist Party. He said:

"The federal council accepts that, taking into account the applicable legislation and regulations, the interests of South Africa and all its peoples in respect of sport can best be served in terms of the following policy:

"(1) That white, Coloured, Indian and black sportsmen and women should all belong to their own clubs and that each should control, arrange and manage its own sporting fixtures;

"(2) That wherever possible, practical and desirable, the committees or councils of the different race groups should consult together or have such contact as would advance the interests of the sport concerned;

"(3) That intergroup competition in respect of individual types of sport be allowed at all levels, should the controlling bodies so decide;

"(4) That in respect of team sports, the councils or committees of each racial group should arrange their own leagues or programmes within the racial group;

"(5) That where mutually agreed, councils or committees may, in consultation with the Minister of Sport, arrange leagues or matches enabling teams from different racial groups to compete;

"(6) That each racial group should arrange its own sporting relationships with other countries or sporting bodies in accordance with its own wishes and that each should award its own badges and colours;

"(7) That if and when invited or agreed, teams comprising players from all racial groups can represent South Africa, irrespective of whether the type of sport is an Olympic sport or not, and that such participants can be awarded badges or colours which, if so desired, can incorporate the national flag or its colours;

"(8) That attendance at sporting fixtures be arranged by the controlling bodies." 86/

247. This new policy was highly publicized by the friends of the apartheid régime as allowing open sport down to the club level, enabling South Africa to be represented by multiracial teams in games like cricket and rugby and leaving the door open to multiracial sports clubs. But it was soon recognized that the policy was far from acceptance of the Olympic principle of non-discrimination and was only an extension of "multinationalism" or apartheid. While individual sports could become multiracial, team sports would still be controlled by the "multinational" policy of racial segregation down to club level. Cricket and rugby, for instance, would be allowed to run multiracial leagues only if the controlling bodies agreed and if the Minister of Sport and Recreation granted permission.

ANNEX II

List of documents of the Special Committee

(October 1975-September 1976)

- A/AC.115/L.420 Letter dated 6 October 1975 from the President of the African National Congress of South Africa to the Acting Chairman of the Special Committee against Apartheid
- A/AC.115/L.421 Declaration on South Africa's Militarization (adopted by the World Peace Council Seminar held at Brussels from 18 to 19 October 1975)
- A/AC.115/L.422 Note dated 21 October 1975 from the Movement against Racism, Anti-Semitism and for Peace (MRAP) addressed to the Chairman of the Special Committee against Apartheid
- A/AC.115/L.423 Communications dated 28 August 1975 and 29 October 1975 between the Acting Chairman of the Special Committee against Apartheid and the Permanent Representative of Canada to the United Nations
- A/AC.115/L.424 Letter dated 25 November 1975 from the Permanent Representative of Trinidad and Tobago to the United Nations addressed to the Chairman of the Special Committee against Apartheid
- A/AC.115/L.425 Resolutions of the Biennial Conference of the South African Council on Sport, held at Durban on 12 October 1975
- A/AC.115/L.426 Letter dated 21 January 1976 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Special Committee against Apartheid
- A/AC.115/L.427 Statement by the Special Committee against Apartheid on South Africa's aggression against Angola
- A/AC.115/L.428 Seventh report of the Sub-Committee on Petitions and Information
- A/AC.115/L.429 Joint press statements issued by the Chairman of the Special Committee against Apartheid and the Secretary-General of the Commonwealth, London, 28 January 1976, the Chairman of the Special Committee and the Secretary-General of the Afro-Asian People's Solidarity Organization, Cairo, 31 January 1976, the Chairman of the Special Committee and the Secretary-General of the League of Arab States, Cairo, 31 January 1976 and the Chairman of the Special Committee and the Secretary-General of the Organization of African Trade Union Unity, Accra, 4 February 1976

- A/AC.115/L.430 International Day for the Elimination of Racial Discrimination
- A/AC.115/L.431 Communications concerning the participation of a South African team in the World Softball Championship in New Zealand, January-February 1976
- A/AC.115/L.432 Statement made at the 322nd meeting, on 30 April 1976, by H.E. Mr. Amin Helmy, II, Permanent Observer of the League of Arab States to the United Nations on collaboration between Israel and South Africa
- A/AC.115/L.433 Letter dated 16 April 1976 from the Chairman of the Special Committee against Apartheid addressed to the Permanent Representative of the United States of America to the United Nations
- A/AC.115/L.434 Letter dated 13 June 1976 from Mr. Markus Braun and Renate Meinshausen, Board members of the Anti-Apartheid Movement of the Federal Republic of Germany, addressed to the Secretary-General of the United Nations
- A/AC.115/L.435 Ninth report of the Sub-Committee on Petitions and Information
- A/AC.115/L.437 Communications dated 10 June 1976 and 22 June 1976 between the Chairman of the Special Committee against Apartheid and the Chargé d'affaires a.i. of New Zealand to the United Nations
- A/AC.115/L.438 Statements by Governments on killings and violence by the apartheid régime in South Africa in Soweto and other areas
- A/AC.115/L.439 Resolution of the workers attending the sixty-first session of the International Labour Conference on the Elimination of Apartheid in Southern Africa, held at Geneva from 2 to 22 June 1976
- A/AC.115/L.440 Draft special report to the General Assembly and the Security Council on the Soweto massacre and the aftermath
- A/AC.115/L.441 Letter dated 14 July 1976 from the Deputy Permanent Representative of Brazil to the United Nations addressed to the Chairman of the Special Committee against Apartheid
- A/AC.115/L.442 Letter dated 16 July 1976 from the Permanent Representative of Mexico to the United Nations addressed to the Chairman of the Special Committee - re. the Davis Cup Tournament

A/AC.115/L.443

Resolution adopted by Southern African Conference -
21 September 1976

A/AC.115/L.444

Letter dated 20 September 1976 from Liberazione e Sviluppo
to the United Nations

A/AC.115/L.445

Letter dated 9 September 1976 from the Chairman of the
Special Committee against Apartheid to all Governments and
organizations and replies thereto

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