

Centre against Apartheid

Notes and Documents

11/89

December 1989

DAY OF SOLIDARITY WITH SOUTH AFRICAN POLITICAL PRISONERS

Excerpts from statements made at the solemn meeting of
the Special Committee against Apartheid on 11 October 1989

Statement by Mr. Joseph N. Garba (Nigeria),
President of the General Assembly

It is with considerable emotion that I address participants on this Day of Solidarity with South African Political Prisoners. I have had the honour to address the Special Committee against Apartheid on numerous occasions as its Chairman, but this is the first time I have the pleasure to do so as President of the General Assembly. I feel a deep personal sense of commitment to the struggle against apartheid and, of course, to the work of the Special Committee. Your presence here today testifies to the fact that we all share this commitment.

Today, this commitment is strengthened by our collective outrage - outrage at the fact that it is still necessary for us to meet, yet again, in order to express our solidarity with those in South Africa who suffer because of their race and their opposition to the heinous crime of apartheid. This Day of Solidarity with South African Political Prisoners marks the anniversary of the adoption by the General Assembly of a resolution calling upon the South African régime to release unconditionally all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid.

That resolution was adopted on 11 October 1963 - 26 long years ago.

In 1976, the General Assembly proclaimed the annual observance of this Day of Solidarity, which the Special Committee against Apartheid has been observing ever since. I cannot think of a single issue on which the community of nations has pronounced itself longer, more consistently and insistently than on apartheid. And with what results, may I ask? Not many, I am afraid! Certainly not when one compares what has happened and is happening inside South Africa with the demands repeated over and over in practically all international forums, and even less when one measures South Africa's record of massive denial of the most fundamental human rights of the vast majority of its population.

While the release of Walter Sisulu and six others, which was announced yesterday by the Pretoria régime, is a welcome development, it is too little and too late. Walter Sisulu and Ahmed Kathrada, among others on the list, have in fact been in gaol for over 20 years. Their only crime has been to call upon successive Governments of South Africa to abolish the unjust system of apartheid and to restore dignity and fundamental political and other rights to their people. The release of those people will have no real meaning in the struggle against apartheid until Nelson Mandela and all other less-known political prisoners and detainees are also released, the state of emergency lifted and political parties unbanned, and the South African Government shows courage by initiating dialogue with the genuine leaders of all the people of South Africa.

A moment ago I spoke of my outrage. Let me also express my frustration - frustration at the consistently unacceptable response by Pretoria to the numerous and almost always unanimous appeals by the international community for peaceful change.

It is true that the new régime in South Africa has made a number of declarations lately that are interpreted by some as signalling an intention

for change. So far, however, we have seen very little that gives real substance to such intentions. On the contrary, over the past few months we have seen women who had been demonstrating peacefully being arrested, and we have seen journalists arrested. Anti-apartheid activists continue to be placed under heavy restrictions and political prisoners continue to be executed, even after appeals for clemency have been made, in some cases by the General Assembly and a number of individual Governments. For how long, may I ask, shall we, the representatives of the international community, continue to accept the unacceptable? To my mind, 26 years is a long time to be asking for legitimate change, only to be answered with arrogant defiance and totally unacceptable acts.

Also part of my frustration is our own collective inability thus far to go much beyond our expressions of sympathy, outrage or other noble emotions. Our inability to act in a concerted, coherent and effective manner to force the authorities of South Africa to abdicate their policies of racial discrimination and finally to create the conditions for meaningful negotiations leading to a free, democratic, just and non-racial society is also a tragedy of no mean proportions.

Let us put an end to further frustration. Today we are faced with opportunities for change in South Africa only dreamed about a few years ago. In the larger international context, a new climate for peace has already resulted in the extinction of some regional fires. In southern Africa, we are in the process of witnessing the birth of a new nation. Within South Africa itself there is a growing reaffirmation of the conviction that the road to a new and just society must be paved with negotiations; here in this building, two months from now, we shall hold a special session of the General Assembly on apartheid and its destructive consequences on southern Africa.

Let us not miss this opportunity to achieve our common and long-standing goal by hiding behind benign rhetoric. Let us use this occasion today to map out a common strategy, to forge an international consensus on the steps that have to be taken by both the South African régime and the international community to end apartheid promptly and peacefully. Let us rededicate ourselves to the principles of equality and justice by resolving to act seriously and in concert on our demands, just as we have voiced them in the past and as they are being voiced today.

I truly believe that we are now seeing the beginning of such a broad international consensus on what would constitute the appropriate climate for genuine negotiations in South Africa and on how to go about establishing that climate.

On 21 August 1989, the Ad Hoc Committee of Southern Africa of the Organization of African Unity (OAU) issued a declaration that spells out the basic principles for a new South Africa and establishes the steps that will have to be taken by the present régime in order to create the appropriate climate for negotiations. The declaration gives guidelines for the process of negotiations and also sets out a programme of action in pursuance of those objectives. The declaration was endorsed by the Movement of Non-Aligned Countries and I believe that it is increasingly being accepted by other Governments as well. It is a viable working document for the delicate and vital task that lies ahead of us. We shall have the opportunity at the

special session of the General Assembly in December to focus on the elements of the declaration and to give them an international endorsement.

Finally, as we express today our solidarity with our suffering brothers and sisters in South Africa, I once again call upon Pretoria to listen to the voices of reason, heed our demands, and urgently satisfy the legitimate aspirations of the people of South Africa. I also call upon all Member Governments to join me in a solemn pledge that we will do our utmost, individually and collectively, to help and support the process for peaceful change in South Africa.

Statement by Mr. Javier Pérez de Cuéllar,
Secretary-General of the United Nations

I welcome this opportunity to observe with members of the international community this solemn occasion marking the Day of Solidarity with South African Political Prisoners. Thirteen years ago, when the General Assembly decided to designate this day as an occasion for universal observance, Member States were greatly concerned by the degree of repression that had been unleashed against the people of South Africa in their struggle for the total eradication of apartheid and the restoration of their fundamental human rights.

Today we reaffirm our solidarity with all South Africans who seek to establish a society in which each and every member has equal rights and no one is discriminated against on the grounds of race, colour or creed - that is, a society that is totally free from apartheid. Those in South Africa who have put their lives and freedom at risk in pursuit of such a noble objective deserve firm support.

The new Government of South Africa has given indications that it is seeking political change. That is an encouraging trend, and I was relieved to learn yesterday that a decision has been taken to release Walter Sisulu and seven other political prisoners. But many other leaders representing the majority of the population are still imprisoned, in detention, or subjected to other restrictions on their freedom because of their political convictions. Most notable among these leaders is Nelson Mandela, who has now been detained for more than 25 years. This situation continues to deprive the people of South Africa of the counsel and leadership of men and women who are among its acknowledged national leaders, at a time when their participation in the political life of the country is so greatly needed.

On this Day of Solidarity with South African Political Prisoners, I renew the earlier appeals I have made to the South African Government to lift the state of emergency and to release Nelson Mandela and all other political prisoners. A positive response to that appeal would indicate that South Africa intends to move towards a constructive dialogue with the authentic representatives of the majority of the people of that country, with a view to dismantling apartheid peacefully.

Over the past year, the world has witnessed positive developments in the southern African region. Our task is to ensure that these developments are translated into lasting peace and progress for all the people of that region. I reaffirm the full commitment of the United Nations to work towards that end.

Statement by Mr. Yves Fortier (Canada),
President of the Security Council

The Security Council has called urgently upon the Government of South Africa to release all - not just some - political prisoners, including Nelson Mandela and all other black leaders, with whom it must deal in any meaningful discussion of the future of that country.

The Council has reaffirmed its recognition of the legitimacy of the struggle of the people of South Africa for the elimination of apartheid and the establishment of a democratic society in accordance with their inalienable human and political rights, as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights. The Council has called upon South Africa to take measures immediately to eliminate apartheid as the necessary step towards the full exercise of the right to self-determination in an unfragmented South Africa and to grant all South African citizens equal rights, including equal political rights, and a full and free voice in the determination of their destiny.

The Council has specified a number of measures to be taken towards that end, including the granting of an unconditional amnesty to all - not just some - persons imprisoned, restricted or exiled for their opposition to apartheid; the cessation forthwith of indiscriminate violence against peaceful demonstrators against apartheid, of murders in detention and torture of political prisoners; abrogation of the bans on political parties, organizations and the news media opposed to apartheid; the termination of all political trials; and the provision of equal education opportunities to all South Africans.

The members of the Security Council recall that in 1986 they called for an end to the state of emergency, which, it must be noted with deepest regret, is still in effect today. They called upon the Government of South Africa to set free immediately and unconditionally all political prisoners and detainees, in order to avoid further aggravating the situation. They urged it to enter into negotiations with the genuine representatives of the South African people with a view to the establishment in South Africa of a free, united and democratic society on the basis of universal suffrage.

It remains the conviction of the members of the Council that the inevitable change in the racial policies of South Africa can be attained through peaceful means. It is the profound hope of the members that South Africa will heed its Charter obligations and implement the principles enshrined in the Universal Declaration of Human Rights. It is to be hoped, further, that the current auspicious international climate may provide the momentum for a trend towards the abolition of the abhorrent system of apartheid and racial discrimination.

Statement by Mr. Glodys St.-Phard (Haiti),
Acting Chairman of the Special Committee against Apartheid

Twenty-seven years ago the General Assembly called upon the apartheid régime to release unconditionally all persons imprisoned, interned or

subjected to other restrictions for their opposition to apartheid. Is it not a sad commentary on the ability of the international community to influence conditions that stigmatize our civilization that we still have to gather together to reiterate the same demand for the twenty-seventh time? Is it not outrageous that for all these years we have allowed the apartheid régime scornfully to disregard the rest of the world? Should we not all be embarrassed at our inability to agree on common action that would not allow such scorn to pass unpunished?

There are more than 800 persons being held in prison today for political activities in South Africa. Almost 100 persons are awaiting execution for politically related reasons. Hundreds are detained and hundreds are restricted. More than 20 are serving life sentences, among them Nelson Mandela and Walter Sisulu, who have been incarcerated since 1964 - I have not yet had a chance to verify what seems to be good news for Walter. One recalls the following words of David Thoreau:

"The only house in a slave State in which a free man can abide with honour is the prison."

Indeed, a roll call of those in prison in South Africa today is a roll call of honour. It contains the names of men and women who dream of a just society, who dream of a nation where all can live with dignity, who hope to see their country's desiderata materialize as they are expressed in the Charter of the United Nations and the Universal Declaration of Human Rights.

The issue of political prisoners in South Africa acquires a special resonance today. Recent developments in Namibia and words spoken by the new leadership in Pretoria give rise to some hopes of possible movement in South Africa towards negotiations and the eradication of apartheid by peaceful means. It is obvious that such slight hopes can have no foundation whatsoever as long as political prisoners remain in the gaols of South Africa. One should not dare to talk about intentions to change while opponents of apartheid are not free and executions for politically related reasons do not cease.

The release of Nelson Mandela and all other political prisoners, the lifting of the state of emergency, the unbanning of political organizations and the withdrawal of troops from the townships are sine qua non conditions of any negotiations. Negotiations can be conducted only with free people in a free environment. The OAU Declaration, which has been endorsed by Movement of Non-Aligned Countries, has clearly set out the steps that have to be taken to create a climate for meaningful negotiations. The release of political prisoners is one of the first essential steps that Pretoria has to take if any interest at all exists in those quarters in a peaceful settlement.

Unfortunately, we see no signs yet that such an interest exists. On the eve of the September election, the police crushed peaceful protests, and more than 25 deaths were reported in the Cape Province alone. In an attempt to stem the Defiance Campaign, a number of anti-apartheid activists were detained, among them the United Democratic Front leaders Mohamed Valli Moosa and Curnick Ndlovu, who, although released last week, are under heavy restrictions. Although there has been a decrease in the number of detentions over the last year, the period of detention has lengthened. Some of the

detainees have been imprisoned for almost three years, becoming, in fact, long-term prisoners.

With the aim of curbing the ability of anti-apartheid organizations and individuals to take action to protest at the practices and policy of apartheid, and to re-establish its control in black communities so as to further and implement its so-called reform programme, the apartheid régime has even introduced new features into its arsenal of repressive methods. Pretoria increasingly uses the courts and the judiciary to silence its opposition. The escalation in the number of political trials on charges of "high treason" and the continued executions of political activists testify to the facts. Over the last 10 years there has been an increase in the number of death sentences imposed under the security laws and at trials of individuals accused of politically related crimes committed during the nation-wide protests that began in 1984.

Over the last year, the Special Committee has on several occasions raised its voice on behalf of those imprisoned, detained or awaiting execution on political grounds. While we welcome the release from prison last year of the President of the Pan Africanist Congress of Azania, Mr. Zephania Mothopeng, and regard the announcement of the release of Walter Sisulu, Oscar Mpetha and others as an encouraging sign and a step in the right direction, the freeing of such venerable leaders of the black majority is long overdue. The release of Nelson Mandela and all others who have spent decades in prison cannot be delayed any longer.

We have seen so many people around the world - politicians, artists, intellectuals, workers, students - who have campaigned vigorously for the release of Nelson Mandela. In just these past few days, for instance, we have had 1 million signatures of Indian schoolchildren on a petition calling for the release of Nelson Mandela handed to us by Mr. Annan Sharma, member of the Indian Parliament and Chairman of World Youth Action against Apartheid. This is living proof that the people of the world will not rest until the political prisoners of South Africa are free.

With renewed dedication, commitment to and support for the freedom struggle, the international community must pressure the apartheid régime to realize that only the establishment of conditions favourable to peaceful negotiations with the genuine leaders of the oppressed South African people can create a process that will shape a harmonious future for the country.

As long as there is no real action for change but only fine words coming from the new South African authorities, the Special Committee will continue to mobilize efforts on a broadened scale until apartheid has been done away with and the people of South Africa can indeed enjoy the benefits of an unfragmented and democratic society, free of racism and discrimination.

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Statement of Mr. Jan Eliasson (Sweden),
Chairman of the Committee of Trustees of the
United Nations Trust Fund for South Africa

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The observance of this Day has always been a commemoration of an issue of frustration and sorrow. The international situation is marked by a clear improvement in the political climate. New opportunities have been created for solving conflicts and restoring peace in many parts of the world. But the situation with regard to South Africa remains grim and disturbing.

In June 1989, the nation-wide state of emergency was renewed for the fourth year in a row. The apartheid régime continues to resort to detentions without trial, bannings of political opponents, political trials and forced removals. At the same time, vigilante groups are causing untold suffering in black townships.

A particularly disturbing aspect of the South African situation is resort to the judicial system to suppress peaceful protest and dissent. Harsh sentences, including the death penalty, are imposed on opponents of apartheid. During 1988 alone, hundreds of persons faced charges in dozens of political trials ending in sentences ranging from flogging and a fine, in some cases, to 25 years in prison and death sentences, in others. At a time when a number of countries are abolishing the death sentence, South Africa continues to carry out a very high number of such sentences and executions. According to South Africa's Justice Department, 42 persons have been executed this year. There are about 250 people on South Africa's death row.

Detention without trial is also used by the régime as a means of neutralizing anti-apartheid activists for extended periods: it turns detainees into long-term prisoners. Human rights groups have estimated that at present there are between 2,000 and 2,500 persons held in detention without trial. Of these, some 250 are children under 17 years of age.

However, the state of emergency has not ended opposition, political dissent and protest. The continued resistance, culminating in the courageous defiance campaign, has made it clear that the authorities are facing a formidable challenge. The latest developments in South Africa bear testimony to the unflinching, solid determination of the majority to overcome apartheid.

A peaceful and lasting resolution of the conflict in South Africa is strongly linked to the fate of political prisoners. The reported decision yesterday, of which we read in The New York Times this morning, to release Walter Sisulu, held in prison for 26 years, and other leaders of the liberation movements is, of course, an encouraging sign. But the Committee of Trustees that I represent reiterates its appeal to the apartheid régime to lift the state of emergency without delay and to release immediately and unconditionally, Nelson Mandela and all other political prisoners.

The genuine representatives of the South African people must participate freely in a political dialogue about the future of their own country. Now is the time to take substantive steps towards a fundamental change which, through negotiations, will lead to the eradication of apartheid and the establishment of a democratic and non-racial society in South Africa.

The Committee of Trustees has long been concerned with the plight of political prisoners in South Africa. It has, over the years, given humanitarian and legal assistance to political prisoners and their families. As a result, thousands of victims of repression have found relief, moral encouragement and hope.

With the launching of the national Defiance Campaign, the needs for humanitarian and legal assistance have greatly increased. Today, when the concerted action by the international community for peaceful change is gaining momentum, it is appropriate and timely to give even greater legal and humanitarian assistance to the victims of apartheid.

In closing, allow me on behalf of the United Nations Trust Fund to appeal to all Governments, organizations and individuals to consider today's particularly pressing circumstances and make every concrete effort to live up to the expectations of the many victims of apartheid and the majority of the South African people. Let us not forget that, through this international humanitarian effort, we make a meaningful contribution to those who stand in defence of freedom, justice and equality for all in South Africa. For in fact, they are every day defending the very principles and purposes of the Charter of the United Nations. It is a noble and vital cause. They do this for themselves and for their own future, but they also do it for us - for all of us.

Statement by Mr. George Bizos, founding member of the National Council
of the Lawyers' Committee for Human Rights of South Africa

It has been our happy lot to defend a great number of political prisoners in South Africa, and it is with great appreciation that I wish to thank you for asking me to speak on the twenty-seventh occasion on which the United Nations has called for the release of political prisoners in South Africa.

The President of the General Assembly, and the Acting Chairman of the Special Committee against Apartheid have spoken of the frustration that resolutions passed way back in 1963 and thereafter apparently fell on deaf ears as far as the Government of South Africa is concerned. I want to assure you that, however plugged the ears of the South African Government may have been, your resolutions, your public statements and your identification with those in distress in South Africa have not fallen on deaf ears among the people of South Africa. You will permit me to relate one small personal experience.

The very day after 11 October 1963, when the momentous resolution was passed by the General Assembly almost unanimously and it was reported on the front page of our local newspaper with banner headlines, we took that newspaper to Mr. Nelson Mandela, Walter Sisulu and the eight other defendants in the Pretoria prison. At the time, it was not imprisonment that we, as their lawyers, feared: it was the distinct possibility of the loss of their lives. They looked at the headline and said, "We are not alone". Although they did not say so expressly, one had the feeling that, because of what was said by the United Nations, the possibility, or probability, of their losing their lives was substantially lessened.

For me, it is an emotional moment to be here, shortly after having read in the newspapers of the impending release of Mr. Walter Susulu, Mr. Ahmed Kathrada, Mr. Andrew Mlangeni, Mr. Raymond Mhlaba, Mr. Wilton Mkwayi and Mr. Oscar Mpetha - all of whom, together with others, I had the privilege of knowing as clients. I hope that it was only a mistake that the newspaper omitted the name of Mr. Elias Motsoaledi. Their release is indeed most gratifying and, although I have no specifically expressed mandate on their behalf, I am sure that I speak for them, their families and all political prisoners in appreciating what the world body has done for political prisoners in particular and the people of South Africa in general.

There are many more political prisoners. President de Klerk has promised justice for all. His credibility will be placed at issue if he stops there and the gaols remain full of political prisoners, who, after all, did the things that caused them to be imprisoned because of their abhorrence of apartheid, which President de Klerk now says he wants to dismantle.

Many have been sentenced to death for performing acts with the same motive. There must be a society in South Africa in which, above all, there are no political prisoners, because everyone enjoys the rights for which he has struggled. The vast majority of prisoners in South Africa, however, have become prisoners without having been tried. The Chairman of the Committee of Trustees referred to the use of the judicial system. Perhaps our biggest complaint is the by-passing of the judicial system.

South Africa is almost alone in the world in not having adopted the Universal Declaration of Human Rights, of 1948. Had the Government done so and shown any respect for the Declaration's provisions, it would not have promulgated regulations empowering any member of the police force, the army or the prison service to detain any person for 30 days without warrant, in accordance with the terms of the Emergency Security Regulations. That period may be extended by the Minister of Law and Order for as long as he deems fit or for as long as the regulations remain in force. Almost no legal proceedings may be instituted against the authorities that have detained a person under emergency regulations. Access to the detainee by relatives, friends, independent doctors and lawyers is subject to the authorities' discretion, as is information relating to them.

By the exclusion of the judicial process under the emergency regulations, we, as lawyers, whether attorneys, advocates or judges, have been side-lined. Law and justice have become the mere extension of the will of a security officer or the Minister. None of us can give much help or hope to those in distress. There is no guarantee that the innocent will not be gaoled, nor any certainty as to how long the person adjudged guilty by a policeman and the Minister will remain in prison. The convicted prisoner can at least count the days or years. The detainee is driven to despair by the uncertainty.

Thousands of men, women and children have been so detained. Hundreds have put, and some are still putting, their lives at risk by going on hunger strike. The Minister, Mr. Adriaan Vlok, has said that the authorities are committed to dealing with the situation in a humane and civilized manner as prescribed by international norms and standards. I am sure that I will find substantial agreement in the Committee when I say that the international community, led by the United Nations, knows of no humane or civilized manner

in which people are detained without trial. The international norm is enshrined in articles of the Universal Declaration of Human Rights, which provide that:

"No one shall be subjected to arbitrary arrest, detention or exile." 1/

"Everyone is entitled in full equality to a fair and public hearing ..." 2/

"Everyone ... has the right to be presumed innocent ..." 3/

Detention without trial has been with us in terms of various enactments since April 1960. Over 70,000 men, women and children have been so detained. Apologists for the system say that it is necessary to maintain law and order. Far from solving any problems, this action has created others: death i detention, physical and mental of the medical profession, and undue stresses in the administration of justice. Above all, it has embittered those detained - not, one hopes, to the extent of causing them to decide irrevocably to seek vengeance while locked up and isolated by those they consider to be political adversaries.

The solution is surely not to detain more but to satisfy the demands for political justice loudly proclaimed by the majority of the people in the country of their birth. State of emergency, detention without trial, gaol deaths, death rows and the denial of meaningful political rights, not its critics, have isolated South Africa for the last 40 years. We in South Africa yearn to become members in good standing of the world's community of nations. We regret that our laws and practices make that impossible.

Political prisoners in South Africa appreciate the concern of the world, especially the United Nations. How much more miserable might their condition be if the world did not care? Let us hope that the day when there are no political prisoners in South Africa is near.

Statement of Mr. Raymond Suttner, Junior Lecturer
in Law, University of Witwatersrand (South Africa)

The prestige of the United Nations is high in South Africa. While it is detested by the régime, the Organization is cherished by the people of South Africa. While the forces for liberation have sought to weaken and isolate the Government within South Africa, the United Nations, we feel, has played a crucial role in mobilizing the international community towards that same goal. In periods when the struggle has been at a low ebb internally, the United Nations has on some occasions taken very important initiatives. I

1/ General Assembly resolution 217 (III), article 9.

2/ ibid., article 10.

3/ ibid., article 11.

recall particularly the 1974 decision to eject the South African delegation from the General Assembly on the basis that it did not represent the people of South Africa. That was a very important step in establishing the illegitimacy of the South African régime before the international community.

Today we meet to express solidarity with political prisoners in South Africa. I speak with experience of 10 years in prison and one year under restrictions, including house arrest. I have come here without permission and may well face victimization under the emergency regulations on my return - victimization for exercising my basic human rights to freedom of movement, expression and association and for my decision to leave the country temporarily to attend a meeting concerned with the negotiations process, a process that I hope will lead to peace.

I speak as a white South African democrat who will return to the country with full confidence in the future of South Africa, in the new South Africa that the popular forces are striving to build. I do not fear majority rule because I know that the African National Congress of South Africa (ANC) and the Mass Democratic Movement are committed to values that are universally respected, values such as freedom, non-racialism and peace.

I am a proud newcomer to this event. But I imagine that many of those present wonder on occasion whether it is worthwhile, and they may fear that such an event as this has merely ritualistic significance. I want to assure those present that for those in the cells, the support of the United Nations on occasions like this boosts our morale and spurs us on to continue the struggle. When you are sitting in a prison cell you realize not only that you have the support of the oppressed people and democratic forces in South Africa but that the majority of humankind stands behind you. This type of support spurs us on. The prisoners of apartheid are not merely victims, whether under restriction, in detention without trial, on trial, sentenced to terms of imprisonment, or on death row. All of these people continue their struggle under the conditions that they live in. In the past year we have seen the heroic and historic fight from within the detention cells, where hundreds of detainees secured their release through hunger strikes.

That was a great victory, but it needs to be consolidated. Detentions continue, as other speakers have mentioned, just as the resistance of prisoners through hunger strikes and other methods is continuing at this very moment. The struggle continues because the present minority Government in South Africa regards the struggle for liberation as criminal. Even acts that do not fall into the very broad category of political activities that have been defined as offences, even acts that are perfectly lawful and non-violent, may invite punishment.

Thirty thousand of us have faced long terms of detention without any charge or trial. Some 700 have been released, but under heavy restrictions. One of the most characteristic forms of such restrictions is house arrest, which has the effect of making the person so restricted perform self-surveillance, in the sense that one has to report once or twice a day to the police and that one is also one's own gaoler, since one is under house arrest for 12 hours a day - which was my case - or in the case of others - like Mr. Molekane, I believe - under house arrest for some 22 hours a day. In that situation there is also the constant threat of assassination.

There have been cases where a person has been assassinated on his way back from reporting to the police.

The Government in its repression makes little distinction between peaceful and violent resistance, between lawful and unlawful acts. In general, it has sought to repress all effective resistance. It has stood in the way of any constructive peace process.

We of the broad forces for liberation seek a long-term settlement of the apartheid conflict. Our struggle is for national liberation, for self-determination, to realize rights considered vital in contemporary international human rights law, as found, for example, in the Universal Declaration of Human Rights, the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, the 1966 Human Rights Covenants the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and many other international instruments.

Our struggle for liberation is a struggle for peace. Just as the Charter of the United Nations, in Article 1, paragraph 2, and in Article 55 connects the question of peace to that of human rights, we in the democratic movement in South Africa see the eradication of apartheid and the securing of basic human rights as a part of the peace process. But what is the road to peace? I think it is necessary to ask that question afresh, because there is some speculation that there is a possibility of Pretoria itself taking this road.

But the route to peace I want to suggest is different. It demands conditions that Pretoria has by no means undertaken to fulfil. OAU and the Movement of Non-Aligned Countries have adopted a negotiations package with whose preparation ANC and we in the Mass Democratic Movement were very involved. What is essential to that negotiations package is an agreement as to the objectives of the negotiation process. In short, the objectives are: the elimination of apartheid and the establishment of a non-racial, democratic, united South Africa. That process cannot even begin unless the various parties, including the South African Government, accept those ultimate goals.

Thus, in order to start this process, which already commands the support of the majority of States in the world today - and which we hope will win the support of the United Nations - certain conditions also have to exist, including the release of all political prisoners. I am delighted to hear of the imminent release of Walter Sisulu and other leaders of our struggle. But in welcoming that release I want to say that there was never any justifiable reason for holding those persons and other members of our liberation movement in prison. I also want to suggest that Walter Sisulu's release is due to the efforts of people bringing pressure both inside and outside the country through organizations and meetings such as this one. Without such pressure, his release would not have been contemplated.

Thus, the negotiating process we support demands first of all a state of mind, a common objective that the Pretoria Government definitely does not share at this point in time. It also demands the realization of certain minimum conditions that would create a climate for negotiations, a series of conditions we are nowhere near realizing. Those conditions are not achieved through individual releases, in spite of the great value of having such people as Sisulu, Mbeki, Gwala and others rejoin our communities.

Our demand is for the release of all political prisoners, for the lifting of the state of emergency and for the other factors needed for a climate for negotiations.

That is the background against which we have to assess the moves of the new leadership in South Africa. It is not correct to say that nothing has changed in South Africa. International mobilization and mass struggle within the country have forced the Government to make some concessions, such as permitting peaceful legal marches. Further pressure may ensure that this victory is consolidated and extended.

We must remember that the limitation of any of the manifold powers of the apartheid Government cannot be attributed primarily to changes of heart or thinking on its part. The timing of the announcement of the release of Sisulu - for the Kuala Lumpur Meeting of Heads of State or Government of the Commonwealth - and the character of the recent releases, are clearly intended to take some heat off the Government. They do not, I suggest, represent elements of a coherent process towards democratic rule.

The Government itself does not suggest any concrete programme to dismantle apartheid. It is the combined pressure of the people inside the country and internationally that has made President de Klerk modify the methods of domination. Even that modification cannot be assumed to be permanent, and we do not yet know how extensive the new approach is.

The conditions within which we struggle against apartheid may have changed, but apartheid remains the objective of the de Klerk régime. There is no sign of a commitment to end minority rule.

In these circumstances, it is our belief that it is vital for the international community to continue and increase its pressure. It is crucial further to isolate the régime.

Encouraging signs, as they are called, do not, in our view, mean the dismantling of apartheid. We in the Mass Democratic Movement, a part of the struggle for national liberation, are ourselves planning to rid our country of apartheid. We ask the Special Committee to continue assisting us in that task. We ask for its help in securing peace in our country and in our region. We need intensified action to rid the world of the apartheid crime and to allow the people of South Africa to enjoy their basic rights to self-determination, peace and justice.

Statement by Mr. Rapu Molekane, General Secretary of
the South African Youth Congress

I am greatly honoured and privileged to address this solemn meeting, in which the people of the world, represented in the United Nations, have taken time to focus on the plight of political prisoners in my embattled country - South Africa.

At the very outset, I should like to assert my competence to address the issue of political prisoners in South Africa. Young as I am, I have spent a

great part of my youth inside apartheid prisons or in the trenches of struggle in apartheid ghettos. My perceptions of the brutalities of apartheid are therefore very vivid. Not long ago I participated, together with other young people, in a hunger strike, which spread throughout the South African prisons and which served to highlight the plight of South African political detainees. Having forced the apartheid régime to release us, we have had restriction orders imposed on us, meaning that the régime has ordered us to imprison ourselves.

As I speak of my own experiences, I stress that they encapsulate the general lot of the thousands of South Africa's youth who have vowed to die on their feet fighting apartheid tyranny rather than live on their knees bemoaning their plight as victims of apartheid. It is therefore those gallant shock troops of the Mass Democratic Movement who are represented in the South African Youth Congress, on whose behalf I speak.

The people of South Africa recognize that this year's observance of the Day of Solidarity with South African Political Prisoners is taking place in extraordinary circumstances in the political history of our country and of our region. We are marking this day with the people of Namibia standing on the threshold of history. As they approach their first-ever election leading towards their independence, the outcome is made less certain and highly ominous, precisely because of the régime's manoeuvres, directly or through its surrogates, to subvert the victory of the South West Africa People's Organization (SWAPO).

In South Africa itself, the racist elections, conducted against a background of massive popular campaigns of defiance of unjust laws, have returned the Nationalist Party under F. W. de Klerk, who has projected himself as a liberal reformer destined to deliver the oppressed people of South Africa from oppression and thus save the country from self-destruction. All this has once more put South Africa and apartheid under an international spot-light. Apartheid will be the focal point of the forthcoming Commonwealth summit meeting at Kuala Lumpur, just as it will be on the General Assembly's agenda for the current session and the special session.

Against this background, therefore, we consider it very important that we utilize this forum to articulate in the most unambiguous terms the political perspectives of the majority of the people of South Africa, as well as their expectations of this body, in the struggle to end apartheid and create a democratic South Africa.

In the political lexicon of the United Nations as well as of many Member States, political prisoners would generally be defined as those whose espousal of political views that are not in concert with the Government of the day results in the curtailment of their freedom through internment. Such a definition would, however, in the context of apartheid South Africa, be totally deficient, since it does not encompass the thousands of patriots who are subjected to this status whilst ostensibly outside the confines of Pretoria's dungeons.

It should be noted that the apartheid régime argues that there are no political prisoners in South Africa, that all those convicted and serving prison terms as a result of their political conduct are in fact offenders who

have violated South Africa's criminal code. This ridiculous notion flies in the face of the reality that South Africa's political prisoners, as symbolized by Nelson Mandela, have won world-wide recognition and support.

It is, however, not so well known that in addition to the thousands of political prisoners incarcerated in Pretoria's gaols there are thousands more who are imprisoned without having been brought to trial and, therefore, have been neither charged nor convicted of any offence. This situation is allowed by the so-called detention-without-trial laws.

Furthermore, the apartheid régime allows thousands of its opponents to be imprisoned outside the confines of gaols through the notorious system of house arrest, restrictions and internal exile. This form of imprisonment is imposed whether or not a prison term has been completed.

In circumstances where the apartheid régime has criminalized any form of opposition, and in a situation where apartheid policies have made it a punishable offence to engage in activities that in any normal society would be taken for granted, it comes as no surprise that South Africa has the highest per capita criminal population in the world. This is a direct product of apartheid. In that sense, it is no exaggeration to regard the entire South African population as an imprisoned society.

It is in that context that we in South Africa welcomed the General Assembly decision setting this day aside to address this important and visible manifestation of apartheid tyranny.

Allow me now to turn, albeit very briefly, to the current situation in South Africa. It is no secret that over the years the apartheid régime has been increasingly subjected to very severe pressure. The economy - hit hard by the fall in the price of gold, endemic labour unrest, escalating political instability, a heavy debt burden, expensive military adventures and setbacks and biting economic sanctions - cannot possibly withstand further pressure. In an effort to address those challenges, Pretoria has had to abandon its hard-nosed recalcitrance on apartheid and project itself as a reformer. That exercise has been accompanied by a cleverly contrived and orchestrated propaganda campaign, which, regrettably, has had its echoes in some Western capitals.

Suddenly, Mr. de Klerk, the new apartheid President, is no longer just the leader of a political party whose policies have visited untold miseries on millions of people in South Africa and wreaked havoc in neighbouring sovereign States - damage to which in this decade alone is conservatively estimated at 1.5 million lives and \$ US60 billion. Indeed Mr. de Klerk has been cast in the mould of a saviour who will deliver the South African people from oppression and thus redeem the country from self-destruction. According to that notion, the international community should have patience and exercise restraint, allowing Mr. de Klerk to implement his policies. Reduced to its barest essentials, that argument calls for the abandonment of sanctions as an effective weapon against apartheid.

We, the people of South Africa, who are daily confronted with the reality of apartheid, feel duty-bound to give our honest assessment of what we perceive as unjustifiable euphoria and unwarranted confidence in Mr. de Klerk. In that regard, we must disappoint all the optimists who apparently

have been taken in by his rhetoric. Our experience on the ground reveals the naked reality, namely that repression is on the ascendent.

The facts speak for themselves: as Minister of Education, Mr. de Klerk was an advocate of the racist quota system in South African universities, thereby perpetuating racial discrimination and apartheid in education. When P. W. Botha, as President, reimposed the state of emergency for the fourth year in succession, he found in Mr. de Klerk a most enthusiastic supporter who chose to disregard the misery that it has caused to thousands of our people.

In South Africa today, as in the past, massacre by the racist army and police of peaceful demonstrators is still the order of the day. The killing of 29 people on 6 September is a case in point. Today, detention without trial remains the hallmark of the apartheid régime. Over 441 people are known to be detained. Torture and deaths in detention still persist. Between March and June 1989, 341 people were brought to court in 102 political trials.

Despite a lot of rhetoric about change, only last week three patriots were executed at Pretorial Central Prison, with the threat that three more would be hanged at the end of this week.

All the above, and more, can only lead to the inescapable conclusion that beneath the façade of smile and proffered good intentions, the difference between Botha and de Klerk is one of style rather than substance.

Many of the apologists for apartheid have been quick to point out the fact that Mr. de Klerk, unlike his predecessor, allowed massive popular demonstrations to take place. That, it is argued, was unprecedented in recent political history. In this regard we would remind this Committee that the demonstrations were organized in defiance of the régime and would have gone forward with or without Mr. de Klerk's permission. But he was astute enough to take credit in circumstances where he would otherwise have had no control.

In any event, it should also be pointed out that Mr. de Klerk's display of liberalism proved short-lived, since not only were subsequent democratic demonstrations forbidden, but those organized by neo-nazi groups, such as the Afrikaner Weestandbeweging, were legalized.

The point to be made, therefore, is that it would be imprudent to lessen the pressure on the apartheid régime on the basis of Mr. de Klerk's declarations. Since recent history has amply demonstrated that the apartheid régime is amenable to pressure, it stands to reason that the only way change can be encouraged in South Africa is through the intensification of pressure - in other words, the escalation of sanctions against apartheid.

In that regard, the role of the international community - including and especially the United Nations - is crystal clear. Sanctions are not only desirable, but are indeed imperative.

Lest the democratic movement be accused of being negative and of having nothing to offer by way of options for the future of our country, we state here and now that our perspectives are adequately reflected in the declaration adopted on 21 August 1989 by the OAU Ad Hoc Committee on Southern Africa. That declaration was endorsed by the summit conference of non-aligned

countries, held at Belgrade in September 1989. We should like to urge the United Nations to endorse that declaration as reflecting an internationally acceptable basis for the resolution of the South African conflict. That, in our view, would be consonant with democratic principles enshrined in the Charter of the United Nations and generally acceptable to the majority of the nations of the world. It contrasts sharply with the vision offered by Mr. de Klerk's five-year plan, which is predicated on ethnicity and seeks to entrench white domination.

Therefore, in our view, Mr. de Klerk's seriousness about resolving the conflict in South Africa will not be measured by the amount of rhetoric he utters but by the manner in which he addresses the issues raised in the OAU declaration. In other words, a serious approach to a political settlement will necessitate negotiations between the racist régime on the one hand, and the representatives of the democratic majority, led by ANC, on the other.

...

We have been informed that the racist régime has already released two stalwarts of our struggle, Comrades Walter Sisulu and Oscar Mpetha. We in the democratic movement welcome those releases and celebrate them as a victory of our own efforts, our own sweat and blood and not as a change of heart by the apartheid régime. Those releases are intended to ease the pressure that the international community has exerted on the régime and to send false signals that Mr. de Klerk is different and brings new hope.

We must not be misled into removing the pressure we have so far exerted on the South African régime. Instead, we must intensify the pressure until apartheid is dismantled.

In conclusion, allow me on behalf of the people of South Africa to pay a tribute to the United Nations for the consistent support it has always provided us in our struggle. As we approach our final goal, our sacrifices will be much greater and we shall therefore require greater assistance and support from the international community. For our part, we should like to declare that we shall intensify the struggle on all fronts and that we shall not rest until apartheid has been relegated to the rubbish heap of history.

Statement by Mr. Gora Ebrahim,
Pan Africanist Congress of Azania (PAC)

At the outset, allow me, on behalf of our recently released President, Comrade Zephania Mothopeng, incarcerated Azanian patriots and political detainees, to thank the Special Committee against Apartheid most sincerely for annually observing 11 October as the Day of Solidarity with South African Political Prisoners. As former political prisoners have testified at such solemn commemorations, these meetings have constituted a great source of support and encouragement to those incarcerated for their uncompromising stand in defence of their right to national liberation and self-determination.

Growing internal resistance and the continued, sustained international focus on the plight and conditions of the political prisoners have resulted in

successes. The basic aim of the racist régime in imposing long sentences on patriots demanding their legitimate rights is to destroy their spirit of resistance. In order to achieve this, the régime kept some for over a quarter of a century. In the case of Comrade Jafta Masemola, the longest-serving life political prisoner in apartheid South Africa, a member of PAC who in June 1963 was sentenced with five others to life imprisonment, the racist régime subjected him to physical and psychological torture. He was kept in solitary confinement for over nine years. At times he was thrown into cells with convicted criminals to expose him to molestation and assault. In other words, every conceivable method was employed to break his spirit and convictions. Other political prisoners too were subjected to such physical and psychological torture and pressure.

Having failed to break the spirit and determination of political prisoners, including Jafta Masemola, the régime decided to use the ploy of releasing political prisoners if they would renounce violence. Needless to say, the vast majority of political prisoners rejected this with the contempt it deserved and correctly argued that the agent and perpetrator of violence in apartheid South Africa was the racist régime itself, together with its oppressive machinery. Soon the régime, in the face of the principled stand of the political prisoners, was compelled to retract that so-called pre-condition.

On the eve of this Day of Solidarity with South African Political Prisoners, and also on the eve of the important Kuala Lumpur Meeting of Heads of State or Government of the Commonwealth, the racist régime has just announced that it is to release members of PAC and ANC who have been held in prison for over a quarter of a century. They include the longest-serving life political prisoner in apartheid South Africa, Comrade Jafta Masemola. Whilst the people of Azania and their liberation movements rejoice at the unconditional release of these persons, they are cognizant of the fact that it is no charitable act on the part of the minority, illegal racist régime. Those patriots should not have been there in the first place. Moreover, their release is the direct result of internal and international opposition to the illegal racist régime and its universally condemned policies.

We of PAC maintain - as confirmed by our President, Zephania Mothopeng - that the issues and conditions for which those patriots were sentenced remain fundamentally unchanged. There is much euphoria these days about reform. PAC maintains that five political pillars of apartheid have remained basically intact to this very day. They are: the Population Registration Act; the Land Act of 1913 and its outcome, the Group Areas Act; the Bantu Education Act; the tricameral parliaments; and the bantustans. It was to eradicate these and to establish a system based on one-person-one-vote to a single non-racial parliament which would guarantee the individual rights as opposed to the group rights of all Azanians that owe their allegiance to Africa and accept African majority rule that these patriots went to prison and throughout their incarceration remained faithful to those principles.

Therefore, only the total eradication of the apartheid system - and not returning political prisoners to their respective apartheid ghettos - can give political substance to their unconditional release.

PAC would like to draw the attention of those attending this solemn meeting to another stark reality: that whilst we are justifiably demanding

the unconditional release of political prisoners, many dedicated patriots who were arrested have been murdered in detention by the police and security agents of the racist régime. They have become martyrs in our just and legitimate struggle. It is regrettable that today we cannot demand their release. But on this solemn day, we must pledge - as we of PAC do - that our people will remember them for their supreme sacrifice in the legitimate struggle for national liberation and self-determination and ensure that future detainees are not murdered at the hands of the security police in apartheid South Africa.

On this day, PAC also wishes to highlight the plight of those awaiting execution in apartheid South Africa. The régime has consciously used judicial execution to murder opponents and terrorize the broad masses of the Azanian people. The use of the so-called common purpose law to sentence the Sharpeville Six and now the Uppington 14 is a classic example of the use of terrorism by the racist régime in apartheid South Africa. The real aim of sentencing patriots under the so-called common purpose law is to send a message to the people that mere presence at a political rally or incident could send one to the gallows.

PAC campaigned for the Sharpeville Six and is campaigning to save the lives of the Uppington 14. The campaign must be intensified. Moreover, the campaign should not rest with the mere commuting of the death sentences. The Sharpeville Six are now serving long prison sentences under the controversial so-called common purpose law. The demand for the abrogation of that controversial law and the unconditional release of the Sharpeville Six, the Uppington 14 and others must be intensified in all international forums and, in particular, internally.

PAC would also like to draw the attention of this Committee to the fact that the issue of political prisoners should not be seen in isolation from the system imposed and practised by the illegal minority régime. Apartheid South Africa itself is one big prison. Unless the obnoxious and inhuman apartheid system is totally and completely eradicated, not reformed, there will continue to be political prisoners in apartheid South Africa. It is already a fact that because of the system of apartheid, South Africa has one of the highest prison population rates in the world. It also has one of highest rates of detention without trial in the world, and one of the highest hanging rates in the world. Moreover, it is our contention that it is perhaps the only country in the whole world that holds and detains for political reasons children between the ages of seven and 18.

In the glare of big names, it has been conveniently forgotten that the régime is holding, under atrocious conditions, Mr. Tsafendas, who was accused of assassinating Mr. Verwoerd. The racist court declared him insane but did not transfer him to a mental institution. Instead, it continued to hold him in a prison cell in solitary confinement in apartheid South Africa.

We believe that in dealing with the South African racist régime we all have our own experiences. History and experience have taught us to treat every statement by racist South African leaders with caution and scepticism. Way back in the 1970s, the racist Prime Minister of the day, John Vorster, said, "Give me six months and I will introduce changes." He ruled for six years thereafter and ended up invading southern Angola.

Pik Botha, the racist Foreign Minister, said in this very house in the 1970s that apartheid was dead. Since then we have been frantically looking for the corpse to bury the evil monster formally and finally. Needless to say, the search has proved vain.

Then came P. W. Botha. He, according to some, made an even more dramatic statement. He told the white community, "We must either adapt or die". The truth is that he nearly died; politically he is dead, but he never adapted.

Now we are being told that a messiah of reform has descended on the South African political scene and that he is requesting of us five years to introduce his so-called reforms. But as far as the Azanian people are concerned apartheid cannot be reformed.

In conclusion, PAC wishes to acknowledge all those, including the Special Committee against Apartheid, who have contributed to securing the unconditional release of some of the political prisoners in our country. But we also feel obliged to remind them that the struggle for national liberation and self-determination for which the political prisoners were ready to sacrifice over a quarter of a century of their lives has still to be won. Now is not the time for relaxation or complacency. The time is now opportune, in our view, for further intensification of the isolation of the racist régime and the immediate imposition of comprehensive mandatory sanctions against the apartheid régime. For its part, PAC remains determined to intensify the struggle on all fronts, including armed resistance, until the total eradication of the evil system of apartheid is achieved and it is replaced by genuine majority rule.

Statement by Mr. Zuhdi Labib Terzi (Palestine)

...

Last night we watched with some jubilation a small number of freedom fighters in South Africa being released. We saw their families gathering together. We saw a 25-year-old man welcoming his father home for the first time; he had been denied that opportunity for 25 years because the father had been incarcerated and denied his right to be in his own home.

As human beings, we were deeply touched and wondered: is this the first group of detainees to be set free? Where is Nelson Mandela? We did not see him being released. His release would be important, not simply because of the person of Nelson Mandela, but because he is a symbol of the struggle of his people. He was nowhere to be seen among those released.

We also wondered how much longer we would have to wait to see the thousands of political prisoners being set free to enjoy their human rights. Many thousands of children are still being denied the tender care of their detained parents. How much longer do those children have to wait?

It is because of the awakened conscience of the international community and the pressure being brought to bear that the racist régime in Pretoria has chosen such moments as this meeting organized by the Special Committee against Apartheid to act. It is the universal condemnation of the practices of the

Pretoria racist régime, the solidarity shown by our comrades-in-arms, our fellow freedom-fighters in South Africa, all these things and more, that have compelled the Pretoria racist régime to act.

But the régime cannot simply insult our intelligence and the intelligence of the international community by such a move. Thousands are still detained without trial, with the norms of justice being totally ignored.

Those affected really number not thousands, but millions: the entire black and coloured population. The overwhelming majority of South Africans are still incarcerated, still detained, still denied the inalienable right to freedom and life, denied their political rights.

...

Apartheid is not an accidental malady or deformity that can be cured or reformed; it is a policy, an ideology, that must be eliminated and uprooted, and it will be eliminated and uprooted through our joint struggle.

We extend our militant salutations to our brothers, the leaders of the struggle of the South African peoples, and assure them that although the enemy will persist in its criminal and terrorist crimes, the determination of our peoples, the South African and the Palestinian, to achieve and exercise our rights will overcome, and our struggle will triumph.

1. The first paragraph of the letter is as follows: "I am very pleased to hear from you and to learn that you are well and happy."

2. The second paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

3. The third paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

4. The fourth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

5. The fifth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

6. The sixth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

7. The seventh paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

8. The eighth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

9. The ninth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

10. The tenth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

11. The eleventh paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

12. The twelfth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

13. The thirteenth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

14. The fourteenth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."

15. The fifteenth paragraph of the letter is as follows: "I am very glad to hear that you are well and happy and that you are enjoying your trip."