

ITEM/005/0002/15 27.9.87

SUNDAY - 27th of September, 1987 - freezing in Oslo Norway
until December.

My dear Friend

From time to time my children have called our home "this railway station"/"this international airport". I make no apology for its use. For my comrades it was a cup of coffee, a meal, or the Loo. No public toilets existed for Blacks. If they did, from over use, they were so filthy that it was impossible to use them.

Ebi to me (Ebrahim Ismail to you) was a regular since 1955 - he was barely 16 then. Jobless and fulltime functionary ANC - if you think that that is contradictory, you are right. We were paid if there was money. Money was a scarce commodity for political work then. When our arch quisling gave evidence in the Rivonia trial and many others since, he spoke the truth when he said: "The ANC did not pay regularly. I could not pay my rent. But the police they pay me regularly." Oh yes, time and again when the office rentals were not paid and the Messenger of the Court removed office equipment, some of our fulltime functionaries were seen on the fire escape holding onto the cyclostyling machine.

We held onto a vision of justice in our country on a precarious base. Many was the time that Ebi and others called late at night hoping for a meal. I, a teacher had regular income albeit small, (£25.00 at best in 1963) had usually a pot of beans to share. Some MPs in various parts of Africa will tell (if they care to recall) that they shared many a meal in "my railway station".

When the Tribal College for "Indians" was mooted we vowed never to have anything to do with it. But that campaign was not easily sustained. So Ebi decided to go to the tribal (bush) col-

lege at Salisbury Island. Soon there were heated discussions and he was in the thick of student politics. A comrade (full time quack) complained that Ebi was ill with asthma because he was not eating properly. I was exhorted to feed him.

In 1963 when the mass arrests took place we were convinced that Ebi had escaped the dragnet. My ex-husband was detained and so weekly we called on the then "Visiting Magistrate of Detainees" to check if our fellas had not been killed in detention. Babla and Looksmart were already dead in detention! And while the magistrate was bound not to divulge his findings, we managed to get him to confirm they were alive.

One day I had a call from Mr Smith, the then visiting magistrate. I had to borrow money from my neighbours to get to the Berea (in the white part of the town). He confirmed Ebi's detention some 3 weeks earlier. That despite letters to his family, no one had visited him. No one had brought him a change of clothes and that he stank, when his cell door was opened. Yes my boy was in a cell 3'x 3' - he could not stretch.

How do you find clothes on a Sunday? How do you buy food when you are broke? How do you travel to Point prison when you have no bus fare? That will fill pages. But I did, after getting family/friends to take care of Sha (1 yr) and Sahdhan (2 yrs). After navigating the prison authorities - only next of kin/blood relations were allowed to visit - I sent through his food and clothes and waited. What seemed an eternity was finally ended when I was ushered to the visiting block. And there he was clutching the bars, a smile enveloping his entire face saying "HEY MUM, YOU MADE IT". I earned motherhood, and claim it now without any reservations, whatsoever. I learned of the torture that had been applied to his malnourished body that would fill pages not least was his hands being handcuffed to his back and leg irons on his feet and being kicked into Midmar Dam. Only when he gulped for breath did they surface him. They wanted him to disclose the whereabouts of our comrades. HE BETRAYED NO ONE.

He was sentenced to 15 yrs and served every day of that sentence without a days remission, and finally released on the 28th February, 1979. I found the money for his studies - R 3/400.00 per year. He obtained 2 degrees - a bachelor of Arts & Commerce. Any medical bills that needed payment he sent them to me. Dark glasses when he worked in the lime stone quarry, etc.,etc.

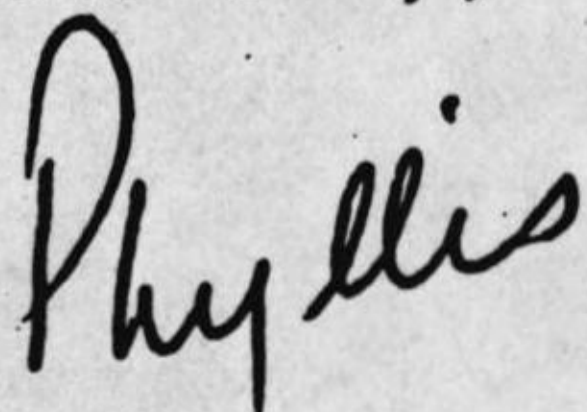
On his release he was banned to the Pinetown Magistracy and could not find remunerative work. I sent him cash from Lesotho where I had sought political asylum. On the 5th of July of the same year I was bombed and he would not put down the phone until he was assured by Sello our mutual friend, that I was alive and well.

We have spent two holidays together. Looking back now they were very precious times. On the 15th of December, 1986 he was kidnapped by SAn agents and is presently on trial in Piet Retief. I enclose detail of his trials etc and the request by the ANC. If we fail them, not only Ebi but Vusi Nene, Acton Maseko and Simon Dladla will be executed before the end of this year. There is precedent for executions a month after sentence.

In his Will, he has bequeathed me his ESTATE. His love letters, clothes and perhaps any debts he might have incurred. I shall be 60 next year. I have no wish to inherit from my children. I wish only to leave them a free, non racial and democratic SA. Hopefully we shall meet in freedom and destroy this WILL.

HELP US! We came to your help when Nazism threatened Europe. Our blood was spilt here so that you might be free. Help us get rid of apartheid. Help us establish democracy in SA. Help us save our children for the future of our country.

Sincerely,



PHYLLIS NAIDOO (MRS)

WHICH is the more serious crime: high treason committed by an alleged ANC official, or his kidnapping from Swaziland by alleged South African agents?

This was a key question raised in an application brought by Ebrahim Ismail Ebrahim in a bid to prevent a South African court trying him following his illegal abduction from Swaziland last year.

Ebrahim, who has served 15 years on Robben Island for sabotage, has been charged with high treason. He was, according to the indictment, in charge of the ANC's Regional Political Military Committee, based in Swaziland, which co-ordinated the ANC's machinery in the Transvaal and Natal from 1984. This would make him the most senior ANC official to stand trial since Nelson Mandela and the other Rivonia trialists in the early 1960s.

According to the indictment, Ebra-

Is kidnap more serious than treason?

By JO-ANN BEKKER
In Piet Retief

him gave the instructions for ANC cadres operating in South Africa to plant landmines on farms in the Eastern Transvaal last year.

Ebrahim's advocate, Ismail Mahomed SC, argued that the law required a balance of public interests. "To break the bonds of international peace and good neighbourliness is far greater than the harm and prejudice to the community of a particular offender," he said.

Mahomed asserted that the court could not look at a particular accused and say in this case international obligations were peripheral. "The court must come to a scientific answer otherwise we will not have law but *ad hoc* justice."

However, Harry Prinsloo, who is appearing with Louiza van der Walt

the captive country, the individual still has the right to complain.

He added that, had Swaziland complained, the matter would have been heard not before a Supreme Court but before an international tribunal.

The crucial distinction in legal precedents, Mahomed said, was that an individual kidnapped by private citizens in another country had no right to complain to a court. But the victim of a state-sanctioned kidnapping had this right.

Arguing that Ebrahim's abduction was a clear case of the latter, Mahomed said: "To compel an accused to undergo trial in circumstances where his appearance is preceded by the criminal act of kidnapping is to sanctify international delinquency.

The court would be saying: Kidnapping has taken place but we condone it.

"If officials of the state were allowed to maraud the territory of other states, not only would the law be contravened, but it would have the gravest consequences for peace. What we do to our neighbours today, some of them may do to us tomorrow."

Prinsloo quoted legal precedents which effectively said "the alleged involvement of the South African government makes no difference. The applicant is before the court and he must be tried."

Mahomed argued that where there were contradictory interpretations of the same law, the court must abide by the one which favours the accused.

Mahomed was assisted by Shaun Naidoo and instructed by Priscilla Jana and Associates.

From a Swazi garden to the 'police museum'

EBRAHIM Ismail Ebrahim was called to the door by his gardener. Two people wanted to borrow a wheel spanner as their car had broken down. He fetched his keys and went to his car outside.

As he was about to open his boot the men drew firearms and threatened to kill him if he made a noise. They said they were the South African Police.

These events on Monday evening, December 15, 1986 were the opening episode in a tale of how the most senior African National Congress official to be brought to trial since the Rivonia trialists in 1964, came to appear before the Piet Retief Circuit Court this week.

Ebrahim's alleged illegal kidnapping by men he claims were South African police or agents of the South African state also formed the crux of his application for discharge on the grounds that the court has no jurisdiction to try him.

In his founding affidavit, Ebrahim says the two men tied his hands behind his back and searched his house in Pine Valley, in the district of Mbabane. They removed R4 500, a cassette player, a lady's handbag and other items. He was blindfolded, gagged, made to lie down on the back seat of his car and driven away.

Shortly before a border post he was taken out of the car, his blindfold was removed and he was made to cross three or four fences. "I could see the bright lights of the border post," Ebrahim said. "I was now on the South African side of the border against my will."

His abductor, who said he lived in Soweto, told him he would have nothing to fear "if I co-operated with the police and that they would even furnish me with a passport to go to Zambia as an agent of the South African Police."

He told Ebrahim he had picked up his trail the previous week when a number of raids had been made into Swaziland. Ebrahim recalled that a Swiss couple had been abducted in those raids, allegedly made by the South African Police, and later returned after the intervention of South Africa's Department of Foreign Affairs.

Several hours later, Ebrahim was led towards two cars parked a short distance from each other. "As we approached the cars, I saw some white men closing in on me and they were armed with rifles. As I got to the cars, one white person put leg irons on my legs, my hands were untied and I was then handcuffed."

The metal container with the items removed from his house was put in the boot of the car.

Ebrahim was forced into one of the cars and both vehicles then drove away. The car he was in had a built-in radio and the two vehicles were in constant radio communication with each other. "It appeared to be some kind of official car and a code was used between the occupants of the two cars in contacting each other," he said. "As we began to travel, dawn was breaking and my interrogation continued. The persons in my car asked me about the ANC, about people and other matters."

In a remote town, the treason trial of a man accused of being a senior ANC official began this week. But the question of treason was not yet the issue. The court had first to deliberate on the strange route Ebrahim Ismail Ebrahim took to the court house. JO-ANN BEKKER reports from Piet Retief

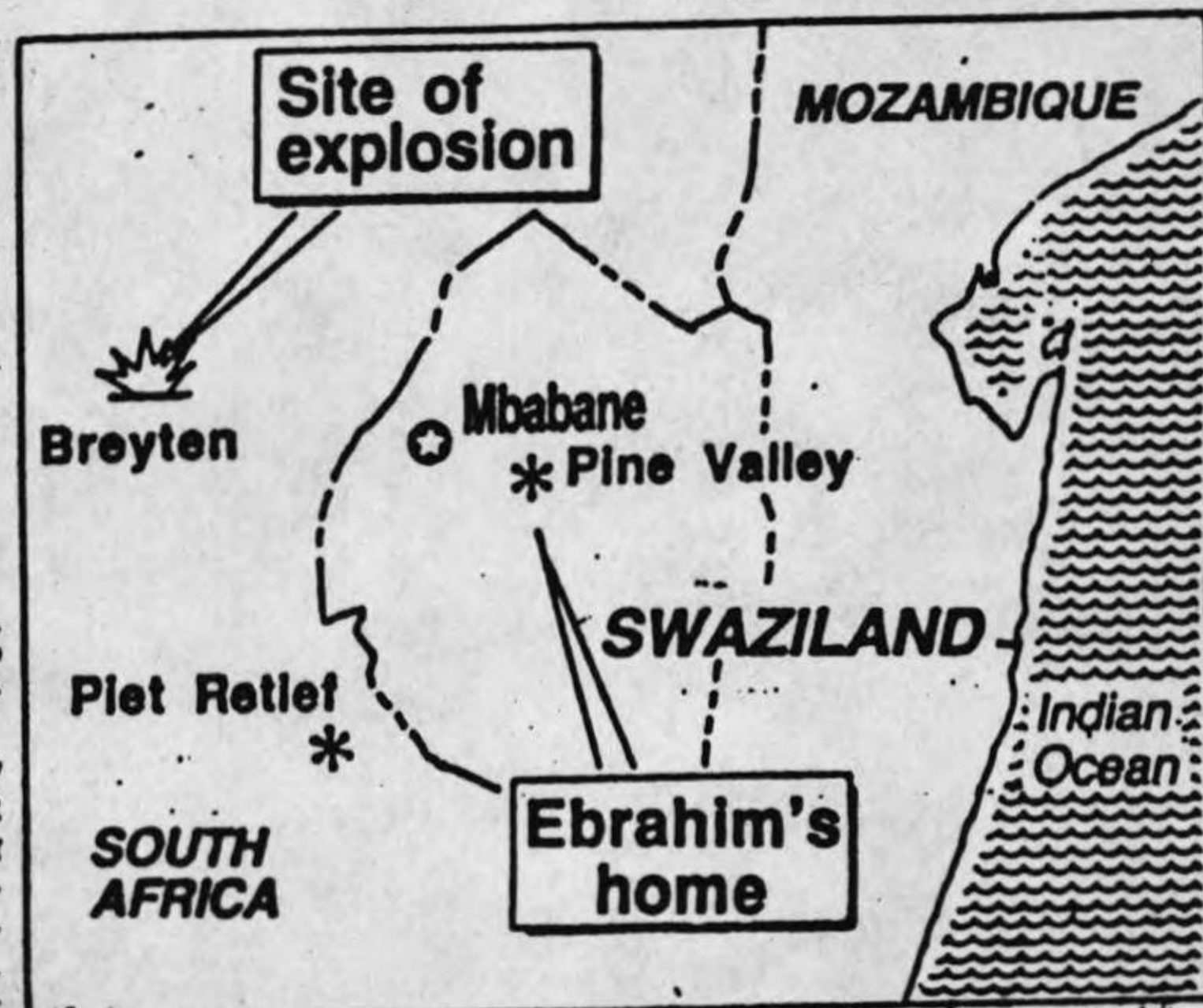
From the interrogation it appeared to me that these were security policemen."

When they approached an army roadblock, the escort car in front stopped at the roadblock and the car Ebrahim was in halted a short distance behind. "The driver of the escort car spoke to one of the soldiers. He then moved off and we were allowed to move through the roadblock without stopping. Nobody asked us a single question."

Ebrahim finally arrived in Pretoria. The white men radioed someone else and the vehicle parked beside a big building. A car then drove up behind them.

Ebrahim was transferred to this car, still in leg irons and handcuffs, and driven to a building in the city centre on which the words "Police Museum" were inscribed. "I have since discovered that these are the offices of the security police in Pretoria," he said.

He and his two escorts passed through strict security checks at the entrance of the building unhindered. He was then taken into a large office and introduced to a Brigadier Schoon and a Captain Britz.



From Pine Valley to Piet Retief: "an unbroken chain"

On the same evening of December 16, a Captain Naude and Warrant Officer Savage said they were going to be his interrogators. "I complained to the captain that I had been abducted from Swaziland. He stated that this was something that was allowed."

Ebrahim was informed he was being detained in terms of Section 29 of the Internal Security Act. Naude then brought in the metal container, asked Ebrahim to identify the contents and compiled a list of the items.

Ebrahim's lawyer, Ismail Mahomed SC, asserted there was "an unbroken chain leading Ebrahim from the border of Swaziland right inside the headquarters of the Security Police in Pretoria". He said either the South African Police or agents of the state

— acting within the scope of their professional duties — were responsible for the abduction.

The "circumstantial evidence suggesting official involvement throughout the journey in the form of facilitating passage through roadblocks, the use of radio links, the possession of rifles, the employment of leg irons and handcuffs and the suggestion that the abductors were interested in the type of information which would be the subject matter of police interrogation is also not disputed," Mahomed said.

Advocate Harry Prinsloo of the attorney general's office said police had refused Ebrahim's specific allegations, as well as general allegations of police involvement which were

"blatant speculation".

The police version is that two unknown men who had no connection with the South African Police brought Ebrahim to the offices of the security police in Pretoria and handed him over.

Earlier this year, when Ebrahim's brother brought an application to have his detention under Section 29 declared unlawful, attorneys for the Minister of Law and Order and Commissioner of Police arrived at a settlement with Ebrahim's lawyers, whereby Ebrahim would be released from detention and formally charged with treason, and the respondents would pay costs.

The presiding judge, Justice van Zyl, found unacceptable that the police had not told the court who the two men who brought Ebrahim to them in Pretoria were. He also questioned how the police were able to unlock the handcuffs and leg irons placed on Ebrahim upon his arrival at the police office. The police, however, subsequently claimed Ebrahim was not wearing the handcuffs when they saw him.

Prinsloo insisted Ebrahim's Section 29 detention and subsequent arrest on charges of treason and imprisonment as an awaiting trial prisoner were legal.

Mahomed, however, said once an illegal abduction had been committed by agents of the South African state, it was not possible for this act to be legally sanctioned by the same agents.

Judge H Daniels questioned whether the application should have been served on the attorney general's office, if Ebrahim intended claiming the state with involvement in his kidnapping through its highest decision-making body, the cabinet.



● Anti-apartheid activist Ismael Ibrahim

ANTI-APARTHEID activist Ismael Ibrahim is still being detained in an apartheid jail following his abduction on December 15 1985 by an armed band of South African security agents.

Swazi police confirmed that Mr. Ibrahim had been kidnapped at the Umgugu Rest Camp near Mbabane, where he had been living for two years.

Documents and tapes were removed from his home at gunpoint, and after the racists bound Mr. Ibrahim's hands and feet with wire they drove him across the border into the apartheid state.

At the time he was a member of the anti-apartheid United Democratic Front, but apartheid President Botha claimed in parliament in February that Ismael Ibrahim was a "top intelligence officer of the ANC."

The racists also claimed that he was "arrested" in Pretoria.

Mr. Ibrahim's lawyers later announced they have been denied access to their client since his abduction in 1985.

In 1964 the racists sentenced him to 15 years' imprisonment for carrying out "activities" for Umkhonto we Sizwe, the military wing of the ANC.

On his release in 1979 from Robben Island, Mr. Ibrahim fled the apartheid state.

STAR Wily 8 Aug 87

Man captured unlawfully must face trial

By Jo-Anne Collinge

PIET RETIEF — A Transvaal judge has ruled that a man alleged to hold a key position in the African National Congress must stand trial for treason in South Africa although he was captured unlawfully in Mbabane and brought forcibly to Pretoria.

Mr Justice Daniels, sitting in Piet Retief, dismissed an appli-

cation by Mr Ebrahim Ismail Ebrahim for an order declaring that South African courts had no jurisdiction to try him because his capture was a breach of international law and his subsequent arrest in Pretoria was also unlawful.

Mr Ebrahim, the judge accepted, was unlawfully captured on December 15 last year in Swazi-

land and detained by Security Police in Pretoria the next day.

But he rejected the applicant's key contention that the SAP, or some other agent of the South African State had been involved in the abduction. This factor would compound the unlawfulness of the kidnapping, making it a breach of international law, applicant's counsel had argued.

ANC APPEAL TO THE INTERNATIONAL COMMUNITY

FOR THE UNCONDITIONAL RELEASE OF EBRAHIM ISHMAIL EBRAHIM

EBRAHIM ISMAIL WAS ABDUCTED FROM THE KINGDOM OF SWAZILAND ON THE 15TH OF DECEMBER 1986. IN BLATANT VIOLATION OF INTERNATIONAL LAW, THE RACIST REGIME KIDNAPPED HIM AT GUNPOINT ACROSS INTERNALLY-RECOGNISED BOUNDRIES. SINCE THEN, HE HAS BEEN SUBJECTED TO HARSH PHYSICAL AND PSYCHOLOGICAL TORTURE. HE IS NOW STANDING TRIAL WITH THREE OTHER MEMBERS OF THE AFRICAN NATIONAL CONGRESS, UNDER SOUTH AFRICA'S FASCIST LEGISLATION. THEY HAVE BEEN CHARGED WITH HIGH TREASON FOR THEIR INVOLVEMENT IN THE STRUGGLE OF OUR PEOPLE TO CREATE A FREE, DEMOCRATIC AND NON-RACIAL SOUTH AFRICA. PRETORIA DOES NOT HAVE ANY RIGHT WHATSOEVER TO TRY EBRAHIM ISMAIL AND, FOR THAT MATTER, HIS COLLEAGUES.

THE AFRICAN NATIONAL CONGRESS CALLS ON THE INTERNATIONAL COMMUNITY TO MOUNT A STRONG CAMPAIGN FOR THE UNCONDITIONAL RELEASE OF EBRAHIM ISMAIL AND FOR HIS SAFE PASSAGE TO A COUNTRY OF HIS CHOICE. PRETORIA'S BRAZEN VIOLATION OF INTERNATIONAL LAW AND ACTS OF BANDITRY SHOULD NOT GO UNCHALLENGED.

WE APPEAL TO GOVERNMENTS THROUGHOUT THE WORLD, THE UN, NON-ALIGNED MOVEMENT AND THE OAU, TO TRADE UNIONS, YOUTH AND WOMEN'S ORGANISATIONS, CHURCHES, THE RED CROSS AND OTHER HUMANITARIAN ORGANISATIONS TO TAKE UP THIS CAMPAIGN AND BRING PRESSURE TO BEAR ON THE SOUTH AFRICAN REGIME.

- + WRITE LETTERS OF PROTEST AND PETITIONS TO THE PRETORIA REGIME AND ITS MISSIONS ABROAD.
- + ORGANISE DEMONSTRATIONS AND OTHER ACTIONS TO DEMAND THE RELEASE OF ISMAIL EBRAHIM AND ALL OTHER PATRIOTS IN THE HANDS OF THE FASCIST MURDERERS.
- + INTENSIFY THE CAMPAIGN TO ISOLATE SOUTH AFRICA AND FURTHER TO SUPPORT THE STRUGGLING PEOPLE UNDER THE LEADERSHIP OF THE ANC.

AMANDLA.

N.B. COPIES OF PROTEST LETTERS AND PETITIONS AND
--- REPORTS ON ACTION UNDERTAKEN SHOULD BE SENT
TO ANC OFFICE:

BOX 31791

LUSAKA

ZAMBIA.