
BAFOKENG ACTION COMMITTEE

FAX TRANSMISSION SHEET

To: The Codesa Secretariat (attention Mr Mac Maharaj and Mr SS van der Merwe)

From: The Bafokeng Action Committee, c/o Phistus Mekgwe, PO Box 556, Johannesburg, 2000.

No of pages (including this one): Six

Date: 20 March 1992

Sirs

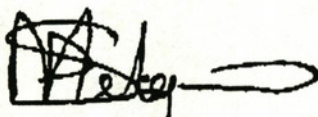
Please receive a copy of the memorandum presented to the police at John Vorster Square on Saturday March 14 1992. The presentation of the memorandum followed a march through the city in protest against the Bophuthatswana authorities. On behalf of the Bafokeng Action Committee, I would be very pleased if you could pass this document the relevant working committee(s).

Following repeated attempts to discuss our grievances with the South African and Bophuthatswanan authorities, we have decided that Codesa may be a useful and relevant avenue to air our grievances.

Although the memorandum covers a wide range of issues, it does not deal with all the issues involved. Should you require more information, please do not hesitate to contact me at this phone number: (011) 29-5051/2 or you can fax me at: (011) 337-2895.

Thank you very much in anticipation.

Kind regards



Phistus Mekgwe
(Chairperson - Bafokeng Action Committee)

BAFOKENG ACTION COMMITTEE

MEMORANDUM ABOUT REPRESSION IN BOPHUTHATSWANA

THE REFORM PROCESS AND THE PRETORIA MINUTES

1. On February 2nd, 1990, President De Klerk unbanned all previously banned organisations (except some which remain banned in Bop), and initiated a reform process aimed at creating a climate conducive to negotiations on South Africa's future. This process led to the Groote Schuur and Pretoria Minute in May and August 1990. These minutes and the adopted agreements between the South African government and the African National Congress on the removal of obstacles to negotiations.

2. In terms of the Pretoria Minutes in particular, a number of undertakings were given. Amongst others, the South African government undertook the following:

- to review security legislation in order to ensure free political activity
- to release political prisoners under agreed definitions of what constitutes a political offence
- to grant indemnity to political exiles in order to facilitate their return.

3. The South African government is claiming that these agreements do not cover Bop as the so-called "Independent" Homelands are not under their jurisdiction. Bop, which was given "independence" under the status of Bophuthatswana Act No 89 of 1977, has however, never been recognised by any country in the world and has no formal diplomatic relations with the outside world. It and other TBVC areas do not therefore exist in international law and international relations.

NEGOTIATIONS

It is difficult to see how the negotiation process can proceed until the obstacles to negotiations have been removed in the whole of South Africa, including Bophuthatswana. At least

- political prisoners should be released
- all acts that repress human rights must be repealed
- banned organisations must be unbanned and free political activity must be permitted.

PRESIDENT DE KLERK'S RESPONSIBILITY

1. It is the responsibility of President De Klerk to see to the stabilisation and application of the Pretoria Minutes in Bop.

2. Bantustans, which are corner stones of grand apartheid, still remain intact yet Mr De Klerk claims to have scrapped all pillars of apartheid.

3. We reject the claim that South Africa cannot interfere with the domestic affairs of Bop since it is an "independent state".

In 1988 the South African Defence Force intervened to save Lucas Mangope from the attempted coup and reinstated him when already the people had overthrown him. It is thus for President De Klerk to save the situation in Bop.

THE BOPHUTHATSWANA CHRISTIAN PARTY

1

It is quite a surprise for President Lucas Mangope to be the leader of the party that is supposed to be Christian, whereas he does not practise Christianity. His undemocratic and suppressive way of ruling is the exact opposite of Christianity.

THE REINSTATEMENT OF LEGITIMATE CHIEFS

The deposition of legitimate chiefs is contrary to tribal custom and we view this as an insult to the people. All those that are opposed to his ruling are deposed and those that pledge solidarity with them are either harassed, detained and even deported. Chief Lebone Molotlegi of Phokeng and Chief Sam Mankuroane of Bathaping-Taung are practical examples. If Mangope was Christian enough he would realise that divorcing a chief from its tribe and family is inhuman. We as Bop citizens call for the immediate reinstatement of legitimate chiefs.

THE INSTABILITY CAUSED BY DEPOSITION OF CHIEFS

Below are the facts that prove dissatisfaction among the people:

- there are unending protest marches - that are always harshly repressed.
- the imposed chief of Bafokeng, George Molotlegi has never addressed a meeting of the people. He does not even reside in Phokeng.
- People opposed to Mangope, but who pledge solidarity with the deposed chiefs are constantly detained as a form of harassment.

INDEMNITY FOR EXILES

The question of the indemnification and safe return of exiles is another issue that the South African government needs to address. There is no guarantee that returning exiles will not be arrested. It is the duty of the South African government to see to the indemnification of exiles.

THE RELEASE OF POLITICAL PRISONERS IN BOP

There are four (4) political prisoners in Bop jail. They are:

1. *Timothy Phiri* - leader of the 1988 coup
Conviction - high treason
Date of Sentence - 18-12-1989
Sentence - 18 years imprisonment
2. *Boy Diale* - Bafokeng Action Committee member
Conviction - murder
Date of Sentence - 8-10-1991
Sentence - 12 years imprisonment
Diale was the co-accused of Makgale
3. *Christopher Makgale* - Bafokeng Action Committee member
Conviction - murder
Date of Sentence - 8-10-1991
Sentence - 15 years imprisonment

We need to make you aware that Makgale was arrested by the Bop Police inside South Africa

(Randburg). We view this as an abduction by Bop Police and South Africa must intervene. Mak-

gale had been on hunger strike from 13th December 1991 and suspended the strike on the 5th March 1992.

4. *Petrus Mothupi* - member of Umkhonto we Sizwe

Conviction - attempted murder and a charge under the Internal Security Act.

Date of Sentence - 13-7-1986

Sentence - 10 to 15 years imprisonment

Mothupi attempted to murder the unpopular Chief of Dinokana who was imposed upon the people by Mangope. The previous chief was deposed without regard to tribal custom.

THE LEVEL OF REPRESSION IN BOPHUTHATSWANA

Since the 1990 February reforms of President De Klerk, repression in Bop has intensified.

Security Clearance and Public Service Act

The Security Clearance Act gives the president the power to terminate the services of any employee of the state, parastatals or educational institutions if he is satisfied that such a person "endangers or constitutes a threat to the public safety or national security or the maintenance of law and order" - section 3.

This act has been used by President Mangope to dismiss scores of his political opponents, including the dismissals last year of Dr Thabo Rangaka, who was superintendent of Bophelong Hospital in Mafikeng and Dr Paul Sefularo, who was the deputy superintendent of Thusong Hospital outside Itsoseng.

The Public Services Act has been used to suspend many civil servants. Three (3) Itsoseng teachers and one public prosecutor were also suspended last year in August. Steve Mputle, a teacher in the Bafokeng region, an executive member of ANC Western Transvaal region and branch chairperson. All were members of the local ANC branch and are still unemployed.

BANNED ORGANISATIONS IN BOP

Bophuthatswana is the only part of South Africa where certain organisations are still banned. Among these are former Parliamentary Opposition Party, the People's Progressive Party, Black Sash and its service organisation, the Transvaal Rural Action Committee (TRAC). Bafokeng Women's Club, a community project headed by Mrs Molotlegi, was also banned. Mrs Molotlegi and the club won the court case against Mangope but he (Mangope) further banned the project. In contrary to this, Mrs Leah Mangope opened a similar project in Mmabatho.

LABOUR LEGISLATION IN BOP

Apart from the formal banning of the organisations mentioned above, labour legislation is currently in force which prevents workers from joining trade unions affiliated to the major South African federations, COSATU and NACTU. These are regarded as "foreign" unions and are not to operate in Bop areas.

to operate in Bop areas.

BOPHUTHATSWANA INTERNAL SECURITY ACT

gale had been on hunger strike from 13th December 1991 and suspended the strike on the 5th March 1992.

4. *Petrus Mothupi* - member of Umkhonto we Sizwe

Conviction - attempted murder and a charge under the Internal Security Act.

Date of Sentence - 13-7-1986

Sentence - 10 to 15 years imprisonment

Mothupi attempted to murder the unpopular Chief of Dinokana who was imposed upon the people by Mangope. The previous chief was deposed without regard to tribal custom.

THE LEVEL OF REPRESSION IN BOPHUTHATSWANA

Since the 1990 February reforms of President De Klerk, repression in Bop has intensified.

Security Clearance and Public Service Act

The Security Clearance Act gives the president the power to terminate the services of any employee of the state, parastatals or educational institutions if he is satisfied that such a person "endangers or constitutes a threat to the public safety or national security or the maintenance of law and order" - section 3.

This act has been used by President Mangope to dismiss scores of his political opponents, including the dismissals last year of Dr Thabo Rangaka, who was superintendent of Bophelong Hospital in Mafikeng and Dr Paul Sefularo, who was the deputy superintendent of Thusong Hospital outside Itsoseng.

The Public Services Act has been used to suspend many civil servants. Three (3) Itsoseng teachers and one public prosecutor were also suspended last year in August. Steve Mputle, a teacher in the Bafokeng region, an executive member of ANC Western Transvaal region and branch chairperson. All were members of the local ANC branch and are still unemployed.

BANNED ORGANISATIONS IN BOP

Bophuthatswana is the only part of South Africa where certain organisations are still banned. Among these are former Parliamentary Opposition Party, the People's Progressive Party, Black Sash and its service organisation, the Transvaal Rural Action Committee (TRAC). Bafokeng Women's Club, a community project headed by Mrs Molotlegi, was also banned. Mrs Molotlegi and the club won the court case against Mangope but he (Mangope) further banned the project. In contrary to this, Mrs Leah Mangope opened a similar project in Mmabatho.

LABOUR LEGISLATION IN BOP

Apart from the formal banning of the organisations mentioned above, labour legislation is currently in force which prevents workers from joining trade unions affiliated to the major South African federations, COSATU and NACTU. These are regarded as "foreign" unions and are not to operate in Bop areas.

BOPHUTHATSWANA INTERNAL SECURITY ACT

1. The Bop Internal Security Act No 32 of 1979 is used extensively by the Bop Authorities to act against their political opponents by detentions without trials, banning of organisations and generally to stifle the expression of views critical of the current regime.

2. Section 31 of the act states that "subject to the provisions of this section, a gathering shall be unlawful unless

- i. the holding thereof has been authorised in writing by the minister, and
- ii. it is held on the date and at the time and place in accordance with such conditions as the minister may determine, which he is hereby authorised to do".

The "minister" referred to in this act is the minister of law and order, who happens to be President Lucas Mangope. We wish to make you aware that on many occasions over the last two years, a number of organisations, particularly ANC branches, have made applications for permission to hold meetings in terms of this section of the act. The applications have all either been ignored or permission has been refused.

3. While the South African government has to a certain extent liberalised its Internal Security Act, the Bop Internal Security Act has in fact been tightened up with the amendments of 28 March 1991. The definition of an illegal gathering has been extended, while "non-citizens" are now prohibited from participating in political activities in Bop. Communities and individuals who have refused Bop Identity Documents in opposition to the homeland system are prevented from engaging in opposition activity.

4. Bafokeng Women's Club (BWC) was declared an unlawful organisation under the Internal Security Act of 1979. According to this Act, the BWC engages in activities which endanger or are calculated to endanger national security or public safety. This Act also applies in respect of every organisation or body which is affiliated to or with or controlled by the said BWC (including the organisations or bodies operating in the Phokeng area under the name of Mahube Fashion).

DEPORTATIONS

Bophuthatswana is still one of the only "independent" homelands which still "deports" South African citizens out of its territory into the rest of South Africa. In January 1991 Paul Daphne, lecturer and vice president of the University of Bop Staff Association and Dr David Green, chairperson of Mafikeng Anti Repression Forum were both deported and declared persona non grata in Bop areas. On 6th September, George Madoda, a teacher in Atamelang and member of the Atamelang ANC executive was also deported. Mrs Semane Molotlegi, wife of deposed and exiled Chief Lebone Molotlegi was also deported. Mrs Molotlegi has been in Phokeng area for more than 27 years, long before Bop came into being. She was deported in March 1991.

We demand that the victimisation of political opponents through "deportations" must cease and the deportations of those such as Paul Daphne, David Green, George Madoda and Mrs Molotlegi should be reversed. It should be noted that BWC was registered with the National Welfare Board as a welfare organisation on May 27 1983.

JUDICIAL COMMISSION OF INQUIRY

There is never a judicial commission of inquiry into incidents of human rights abuse, harassment or police brutality in Bop. Bop police are used as a weapon to forcibly suppress any politi-

cal opposition to the ruling government. It happened on numerous occasions in Bop when the commission of inquiry was elected but the outcome not disclosed.

1. In 1983 after Bafokeng and Chief Lebone Molotlegi decided to pull out of Bop 'independence', Mangope elected a commission of inquiry into the administration and running of Bafokeng territory. The outcome was never disclosed.

2. In 1988 a commission of inquiry was appointed to investigate the issue of allocation of land in Taung. The outcome was not disclosed.

3. The same year a commission of inquiry was appointed again to investigate the administration affairs of Taung. The outcome was not disclosed.

THE REPEAL OF LEGISLATION IN BOPHUTHATSWANA

We call upon the scrapping of all acts that give the TBVC areas the statutory power to govern themselves. All acts that suppress and repress human rights must be repealed.

The Traditional Authorities Act No 27 of 1978 Section 37, which was amended by Mangope, gives him authority to depose legitimate chiefs and impose those that are for his regime upon the people.

We demand the repeal of this act as it is a deplorable piece of legislation.

STATE CONTROLLED MEDIA

1. The powerful medium of Bop TV is continuously used to promote the objectives of the ruling Bop Christian Democratic Party, and to promote the image of Mr Mangope himself. The strategy of Bop TV, as well as Radio Bop and Mmabatho, is to give coverage to opposition groups such as the ANC on issues which do not affect Bop, but to avoid any coverage of opposition viewpoints on Bop issues.

2. Control of Bop newspaper, the Mail, is also exercised to ensure that views critical of the Bop regime are not covered. By way of example, on the 30th of August 1990, the front page of the Mail, which featured the executive of the recently launched Mafikeng ANC, was withdrawn at the last moment on instructions from Rowan Cronje. This newspaper, which has the Bop state as a majority shareholder, needs also to reflect a diversity of viewpoints in order to ensure a freer debate in Bop.

Issued by: Bafokeng Action Committee, Bathaping-Taung, Mafikeng Anti-Repression Forum
Date: 14 March 1991