THE TRUTH MUST OUT... Indeed, where is Stanza Bopape, the young activist who disappeared without trace after being detained in the early 1980s? Women protest outside the Truth and Reconciliation Commission venue in central Johannesburg yesterday.

PIC: LEN KUMALO
Khulumani - 'Let's Speak Out' in Zulu, is a grassroots program affording South Africans who have been for years brutalized by the implementation of apartheid the opportunity to tell their stories. How they themselves have endured, but chiefly to relate how their fathers, sons, mothers, wives, daughters, children were maimed, tortured and murdered by Pretoria's police and military. To demand to know what happened to missing dear ones.

Khulumani and similar groups throughout the country are endeavoring to hear and let be heard the fates of tens of thousands, hundreds of thousands of South Africans, for all to know the personal agonies they have been through in the decades of apartheid rule. And for all the world to know.

The official Truth and Reconciliation Commission, now in its first month of public hearings, cannot possibly accommodate the enormous number of people who wish to bear witness for atrocities committed for the period 1 March 1960 to 5 December 1993. The Commission has a mandate lasting two years. The grassroots programs will pass on to the Truth Commission testaments they collect.

Members of the official Truth Commission have welcomed the local efforts to aid them in their overwhelming task.

The local groups do not just prepare dossiers. A founder of Khulumani states, 'We provide people an opportunity to talk. Talking doesn't oblige them to do anything, but if they are interested in getting their story known, we'll help them. We just want the lesser known victims to get a fair deal.'

The grassroots program could apply to perpetrators as well. A Commission spokesperson said, 'Perpetrators can also be victims in a way. There are policemen and security force people out there who were made to do things and they have to live with it inside themselves. All they need is a chance to get it off their chest. The Khulumani groups can bring those people to us too. It is all part of the healing process and the more people we hear from, the better off we'll be.'

But the focus lies on the victims. Ms Nanana Mngomezulu who lives in Alexandria, the African township nestled under the hill from some of the most glittering sectors of Johannesburg, has been keeping a diary since the late 1980's. She has recorded hundreds of cases of police assaults on Alexandria citizens. 'I wrote down everything I saw. I wrote down all the things the police would do. After a while it was obvious that they were causing some of the worst violence that was going on.'

'I know they were probably forced to do what they did, and I forgive them for it. But we all must know the truth. I want them to tell us what happened, what happened to my nephew and so many other people. But I also want them and everyone else to know what I saw.'

eesa 15 May 96
Claims of torture in ‘suicide’ deaths of two Indian activists

Son’s body was returned with nails ripped out, mother tells Truth Commission

BY HILDA GRANGE

Details of the horrific deaths of two young Indian activists, who allegedly fell from high buildings while in police detention in 1964 and 1971, were the focus of hearings at the Truth and Reconciliation Commission yesterday.

The frail, mother of Ahmed Timol, ANC activist who plunged to his death from the 10th floor of Johannesburg’s John Vorster Square police headquarters in 1971, wept as she told the commission that his bloodied and bruised body, with the nails ripped out, had been returned to her by police afterwards.

Testifying in Gujurati, Hawa Timol said police had told her that her son, a Roosport school teacher, had committed suicide on the fifth day of his detention under the Terrorism Act.

“I told them I did not believe he had committed suicide... that it was impossible for him to have jumped. I told them if my body had a zip, they could open it and see how I was aching inside. I still need to know who killed my son. I cannot be expected to forgive at this stage.”

Security branch were a law unto themselves, says Soweto detective

BY ROBERT BRAND

The police’s security branch were a “law unto themselves” and excluded the rest of the police force from their operations, a Soweto detective told the Truth and Reconciliation Commission yesterday.

And lifters from the old police force who could not adapt to a democratic dispensation in South Africa should leave the force because they sullied the names of their colleagues, Det Insp Gregory Beck said.

Beck was testifying about an ambush in Soweto in 1988 during which he was seriously wounded by unknown attackers. He was then a sergeant in the uniform branch, and was on a crime prevention patrol with four colleagues when they were attacked with automatic weapons shortly after midnight.

Beck was hit by automatic rifle fire several times in the right thigh and spent a year in hospital. He is now in the detective branch in Soweto.

Beck told the commission he knew little of the “dirty tricks” perpetrated by the police during the 1980s.

“These things were done by the security branch. They excluded other parts of the police from their work. They were a law unto themselves.”

Beck said when reports about security police “dirty tricks” started to surface during the 1990s he revised his opinion of the liberation movements and their struggle.

“Before 1990 we ordinary policemen did not know anything about these covert operations. I can see the point of the liberation movements now. They wanted to bring about what we are experiencing now in the new SA. We are all liberated. I bear no grudges.”

Mother describes harassment by police, threats by ‘Zim Zim’ school activists

BY HILDA GRANGE

The mother of student activist Sicelo Dhlomo, who was gunned down in Soweto in January 1988 at the age of 18, told the Truth and Reconciliation Commission how she tried to protect her “harassed child” from the police and members of the “Zim-Zims”, a reference to the Azanian Students’ Movement.

Syvilia Dhlomo-Jele said her son, who was a member of the Soweto Students’ Congress and a volunteer worker for the Detainees’ Parents Support Committee, had been on the run from the police until one day he failed to collect the food he had arranged with the family to be cooked for him.

She received a call from him and asked immediately: “Are you all right?” He had not answered and that was the last she had heard from him until the police came to the house with her son’s pocket book.

“I could sense it. He was gone. The house was under a tree. I knew they had killed him. The police took me to where he was lying and he was full of blood on the head... My child had told me to expect this and be strong... but I experienced great pain,” she said.

Dhlomo-Jele said members of an organisation she only knew to be called the “Zim-Zims” were also looking for Sicelo at the time of his death. They had previously petrol-bombed her house, she said.

She said a “child” at Sicelo’s school had “had a gun and was threatening” Sicelo before his death. She knew the name of this person but did not want to tell the commission because she feared for her safety.

Dhlomo appeared in 1985 in the CBS documentary Children of Apartheid.
Prime Minister says he will scrap offending clauses in draft bill, if....

Prime Minister Hage Geingob says he will scrap clauses in a new bill which arguably conflict with constitutional guarantees of media freedom if the act is referred back to the National Assembly. The bill is currently being debated by the National Council, and if the National Council makes amendments to the bill, it will be referred back to the National Assembly for further debate.

"I wish to emphasise that we will not allow the freedom of the media to be compromised in any way," Geingob said in a press release issued today (April 26). "If the National Council recommends any amendments to the Bill and refers it back to the National Assembly, I will use that opportunity to act, as the presenter of the bill, to have the clauses removed so that Namibia's untarnished image remains untarnished." Geingob said.

As it stands, Section 24 (1d) of the Parliamentary Privileges and Immunities Bill states that "Any person who intentionally or negligently publishes any false information on Parliament or its proceedings....shall be guilty of an offense." Meanwhile, Section 24 (1g), an amendment passed by the National Assembly, says that: "Anyone who intentionally or negligently publishes or discloses any information that has been placed before a (parliamentary) committee prior to such information being tabled before the House shall be guilty of an offense." Anyone convicted of these offenses would face a maximum fine of N$20 000 (US$5000) and/or five year's imprisonment.

"At the very outset I would like to point out that it was never the government's intention to curtail the freedom of the press and other media," Geingob said in his statement. "After all, we had waged the struggle for the independence of the country to ensure that all citizens enjoy all the fundamental freedoms, of which freedom of the media is one. In this context I must say that the media's interpretation of the two clauses raises our concern that Namibia's good name may be jeopardised by the retention of these clauses, however innocent they may be."

Geingob said it was never the government's intention to curtail media freedom. "We had drafted the constitution to protect the fundamental rights of all Namibians, and if a clause in the bill is seen by some as an infringement of that right, we will act to remove it."

'Give back our land'
NUNW calls on Govt to change Constitution

The Namibian  
Fri, May 3, 1996

LUCIENNE FILD

THE National Union of Namibian Workers (NUNW) yesterday urged Government to amend the Constitution to allow for land belonging to the minority and foreigners to be confiscated so that it could be given to the black majority. Speaking at May Day celebrations at Katutura's Independence Arena, NUNW President Pohnhele-ya France asked why Government was not using its two-thirds majority to amend the Constitution which provides for compensation if land is taken by the State.

"We, the workers would like to put it on record that we say NO to the purchase of the stolen land, to be bought by the money created by the sweat and blood of the workers." Ya France said buying "stolen land" defeated the President's call to people not to buy stolen goods.

"Six years after independence land remains the property of the minority, some of them foreigners.

"We were made to believe that the Government's hands were tied because it does not have enough mandate to effect the change in some of the clauses in the Constitution.
New Charter Is Adopted by South Africa’s Legislature

A New Charter Wins Adoption In South Africa

By SUZANNE DALEY
CAPE TOWN, May 8 — South Africa adopted a new Constitution today, officially and peacefully completing the country's transition from centuries of white supremacy to a nonracial democracy.

In the austere parliamentary chamber where many of apartheid's laws were created, the Constitutional Assembly embraced a document that renounces the racism of the past and guarantees all South Africans broad freedoms of speech, movement and political activity.

The 140-page document establishes a federal system with a strong presidency and a two-chamber legislature. It also includes a bill of rights that is one of the broadest in the world. Besides barring discrimination on the basis of race, gender, age, sexual orientation, pregnancy and marital status, it also includes, in an inscription of often unmet hopes, the right to housing, health care, water, food and education, including basic adult education.

It creates a strong central government, certain to be dominated for now by Nelson Mandela's African National Congress, which garnered more than 80 percent of the vote in the last election. Supporters of the largely white Nationalist Party and the Inkatha Freedom Party of Chief Mangosuthu Gatsha Buthelezi had called for greater provincial autonomy.

Mr. Buthelezi's supporters, Zulu nationalists who are engaged in an often violent struggle with the African National Congress for control over the province of KwaZulu/Natal, marched out of the constitutional negotiations months ago, and were absent from the proceedings today.

In a country where capital punishment has often been used, mainly against blacks, the new document has a clause that legal experts believe will effectively outlaw the death penalty.

Before voting today, leaders of the country's two major white political parties, which control about 25 percent of seats in the Parliament, took to the podium to speak out against aspects of the document such as the lack of guarantees that minority parties will have places in the Cabinet, and the apparent ban on capital punishment.

But when the votes were counted, the new Constitution, which took nearly two years to draft, had been adopted by a margin of 421 to 2. There were 10 abstentions.

"And so it has come to pass that South Africa today undergoes her rebirth, cleansed of a horrible past, matured from a tentative beginning, and reaching out to the future with confidence," Mr. Mandela said after the vote.

"Our pledge is: Never and never again shall the laws of our land rend our people apart or legalize their oppression and repression."

Then leaving his prepared text, Mr. Mandela acknowledged the complaints of the minority parties and promised that his Government would keep trying to address their concerns. And he cautioned all South Africans — black and white — to rise above ethnic loyalties.

"If you talk to whites, they think only whites exist and they look at the problems from the point of view of whites," Mr. Mandela said. "They forget also that blacks exist. But we have another problem. If you talk to blacks, coloreds and Indians, they make the same mistake. They think whites do not exist. They are triumphant. The think they are dealing with a community that is lying prostrate on the ground begging for mercy. Both tendencies are wrong."
The new Constitution will take effect gradually over the next three years. The country has been operating under an interim constitution negotiated before the first universal-suffrage elections in April 1994.

Much of the new charter resembles that interim document. It retains the 400-member Assembly and the country's nine provinces. The president will continue to be chosen by the party that gets the most votes. But the coalition government that was created to soothe white fears during the transition will end in 1999. Also the Senate, now a 90-member chamber, will be reconstituted as a Council of Provinces, with only 60 permanent members and slightly broader powers over local issues. In a partial concession to minority demands for more powers for provincial governments, the new government gives provinces exclusive powers in specific areas, such as provincial planning, sports, recreation and roads.

The bill of rights in many ways clearly reflects the country's history of oppression and racial separation. For instance, almost two pages are devoted to specifying the rights of arrested, detained and accused persons. The Constitution also specifically states that everyone has the right "to enter, to remain in, and to reside anywhere in the republic.

At the same time, the new Constitution goes even further than the interim constitution in creating a wide array of social and economic rights. Children have a page of their own that includes the right to a name, to basic nutrition, to social services and to protection from exploitative labor practices.

South Africa, with its vast poor population, is hardly in the position to deliver on many of these rights. But having them enshrined in the Constitution will force the government to consistently spend money in areas such as housing and medical services, experts said.

The new Constitution also reiterates the right to life, a provision that the country's Constitutional Court has interpreted as barring capital punishment. Several of its privacy clauses are being interpreted by experts as laying the ground work for legal abortion.

Unlike the framers of the United States Constitution, who worked in secret, South Africans worked hard to make the writing of the Constitution a public process. To keep people informed about the effort, more than 4 million draft copies of the document were printed last fall and distributed at community centers in an impasse over three issues: education, roads, and the right of employers to lock out workers.

The National Party of former President F.W. de Klerk and the smaller, liberal Democratic Party both wanted to insure that property owners would be fully compensated if the Government decided to expropriate property in its efforts to redistribute as much as 30 percent of the country's land. In the end, they got a partial commitment to compensation.

Under apartheid many blacks were stripped of their land with little compensation and sent to live on small remote areas called "homelands."

The National and Democratic parties also felt that employers needed the right to lock out workers, in order to combat the country's powerful labor unions. While this was not written into the Constitution, reference was made to a labor relations law that includes that right.

In addition, the National Party and the the more conservative Freedom Front were pressing to have single-language schools guaranteed in the Constitution. This is widely seen as a way of continuing segregated schools by making language the barrier to the classroom. Afrikaners argue that they must have such schools to preserve their culture. While in the end, the education clause mentions single-language schools, it does not guarantee state financing for them.

Mr. de Klerk, who is the Deputy President, said that he would support the document because it was a reasonable starting point and because a long, drawn-out period of uncertainty over the shape of government could damage the country.

"We have placed the positives and the negatives on the scale and we have decided the positives outweigh the negatives," Mr. de Klerk said. "And that is why we are voting in favor of this Constitution."

The Democratic Party Leader, Tony Leon, also endorsed the document though he said he would challenge some clauses before the Constitutional Court, which has the authority to review the new charter to make sure it is in keeping with the spirit of the interim document.

Gen. Constand Viljoen, leader of the Freedom Front, which has been pushing for the right to establish an Afrikaner homeland, praised many aspects of the document but said his party would have to abstain. The Inkatha Freedom Party, which had boycotted the negotiations, boycotted the vote as well, leaving its 48 seats in parliament empty.

Despite the criticism voiced before the vote, the atmosphere in the chamber was one of unity as several speakers mentioned the falling value of the South African rand and the need to pull together and show the world that South Africa was now a stable country capable of negotiating solutions to its disputes.

"Whatever the setbacks of the moment," said the Deputy President Thabo Mbeki, "nothing can stop us now."