

ECSA



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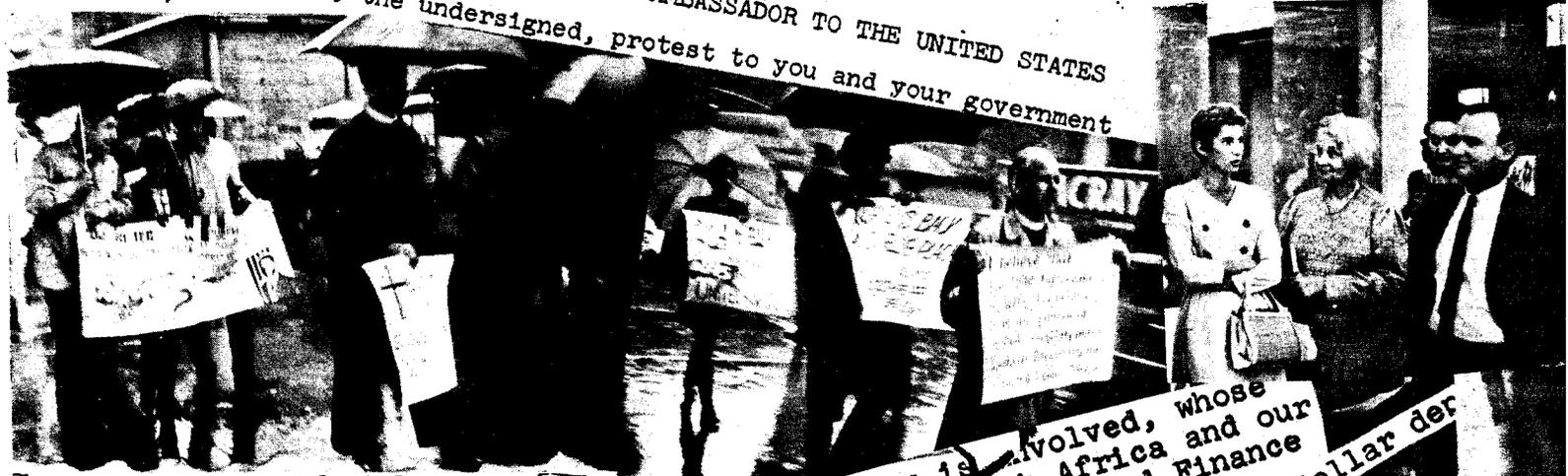
12 June 1996



SOUTH AFRICA
the **USURPER** in
NAMIBIA
DEFIES the
UNITED NATIONS



TO THE SOUTH AFRICAN AMBASSADOR TO THE UNITED STATES
We, the undersigned, protest to you and your government



June 1968

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10	11	12	13	14	15
17	18	19	20	21	22

We, at the CHURCHMEN'S OPEN HEARING, whose money is involved, whose complicity therein, protest the affront of the Executive and Finance Committee's decision to bar the public.

MAN AND NATION

At issue are the Church's multi-million dollar der



South Africa learns that truth hurts

Desmond Tutu's efforts to exorcise the ghosts of apartheid are creating legal and moral dilemmas.

David Beresford reports from Johannesburg

'SHOW me a hero and I will write you a tragedy,' Scott Fitzgerald once observed. There can be few heroic figures offering quite as much potential for tragedy as Robert McBride, who has become the personification of South Africa's troubled search for 'truth' in the apartheid era.

Archbishop Desmond Tutu's Truth and Reconciliation Commission, that brave effort by the new South Africa to come to terms with its past, is running into trouble. The courts are cracking down on it for disregard of 'due process'. Quarrels are breaking out between it and the country's law officers. Families of some of the most famous martyrs of the anti-apartheid cause are fighting it with the determination that they once reserved for the country's racist oppressors. But, above all, it is in danger of falling victim to the subject on which it was the supposed authority: questions of morality.

The 17 worthies who make up the Truth Commission are travelling tomorrow to the town of Rustenberg in the western Transvaal to begin the second phase of their investigations, with the first of the amnesty hearings at which perpetrators of human rights abuses are expected to 'tell all' in exchange for indemnities against prosecution and civil litigation.

As they make the journey, the commissioners have grounds for satisfaction with what they have achieved so far. The first phase of the inquiry — regional hearings of victims' accounts of atrocities — was an unashamed theatrical exercise which succeeded brilliantly.

Far from exhaustive, it nevertheless confronted the white population with the horrors of the apartheid era which had been obscured both by censorship under National Party rule and by a refusal, born of social conditioning, to acknowledge a shared humanity.

The hearings were particularly effective for the voice they gave to the 'little people' whose simplicity of language brought home with almost brutal effect the depravities of the times. Voices such as Haroon Aziz describing his torture at the hands of security police who made him sit for lengthy periods on an 'invisible chair' and battered his head and penis: 'I used to scream and shout and they used to laugh like mad hyenas'; the mother of trade unionist Professor Sibankulu, whose body was returned to his family without arms or legs: 'I would like to know where the other parts of his body are so that I can bury them together with the rest of my son'; Thuli Gabela weeping as she told how she buried her parents, her daughter, her four brothers and sisters — all victims of the security forces — within months of each other.

The impact of such testimony found expression in a letter read out at one stage of the hearings by Archbishop

Tutu, from a 33-year-old minister in the Dutch Reformed Church: 'How is it possible nobody knew what was happening and nothing was done? How is it possible to atone for the guilt and shame and to live with it? I don't know what to do. I beg for your forgiveness. I am sorry for all the pain and grief. I say this with a wounded, broken heart. Forgive me the times I turned my head and the times I turned away.'

But there was also testimony from the other side of apartheid's political divide which pointed to looming difficulties for the process of 'truth and reconciliation'. It came from Cher and Sharon Gerrard, the sisters of a commercial artist, 28-year-old Marchelle Gerrard, who died in what is known as the Magoo's Bar bombing on Durban's beachfront in 1986. They appeared before the commission to demand 'justice' of the bomber, Robert McBride — 'a cold-blooded murderer who can never wipe away the pain, sorrow, anguish and destruction he caused', as the young women put it.

White South Africa has

something of an obsession with McBride and the Magoo's bombing, because the fatalities — all women, one of them pregnant — were white. The car bomb, aimed at a popular watering hole for security personnel, was clearly a murderously reckless act. But McBride paid a heavy price for it — including years waiting on Pretoria's death row before his eventual release in 1992 as part of the political settlement.

His conviction and sentence by the courts put McBride beyond any further legal action and the archbishop had brought the bombing before his Truth Commission as a gesture of even-handedness to the white population. But it was a gesture which blew up in the commission's face.

McBride — a man of considerable courage who enjoys heroic status in South Africa's

black townships — has been tormented by the constant evocation of the Magoo's bombing whenever the atrocities of apartheid are debated.

Last week, McBride went on national television to answer his tormentors, and in the course of the interview said that he had planted the bomb on orders from his African National Congress commanders. The remark immediately raised a parallel between the culpability of McBride's commanders and that of the former Minister of Defence, General Magnus Malan, and other retired military officers currently on trial in Durban for allegedly authorising a police massacre of civilians in 1987.

The parallel was not lost on the chief prosecutor in the Malan case, the KwaZulu-Natal attorney-general, Tim McNally. To the consternation of the

Truth Commissioners, he promptly announced he was preparing a prosecution against McBride's commanders. McBride has refused to identify the people who gave him the orders, but McNally's office is believed to be gunning for the former commander-in-chief of the ANC's military wing, Joe Modise, ironically now Malan's successor at the Defence Ministry.

Another of the country's law officers has also been pursuing 'the truths' of apartheid by conventional criminal prosecution in competition with Archbishop Tutu and his commissioners. The Transvaal's impressive attorney-general, Jan D'Oliveira, has been quietly working to crack the 'Third Force' — the political conspiracy involving police and army generals to abort South Africa's constitutional settlement by

destabilising the country in the late 1980s and early 1990s.

He has been concentrating his efforts on the prosecution of Colonel Eugene De Kock, the former commander of a police assassination squad who rejoices in the nickname of 'Prime Evil' and boasts of having been the apartheid state's most proficient killer. D'Oliveira appears to have 'turned' De Kock, who is now travelling the country giving evidence against his former colleagues. He is to appear as a star witness in a pending prosecution of senior members of the Inkatha Freedom Party, which is expected to throw light on the involvement of Chief Mangosuthu Buthelezi's Zulu-based organisation in the Third Force.

D'Oliveira and McNally, as legal 'professionals', show a degree of disdain for the archbishop and the 'amateurs' of the Truth Commission. It is seemingly shared by others in the legal establishment concerned at what they see as the bumbling interference of 'happy-clappies' in the judicial process. The Supreme Court has already slapped down the commission over its disregard of due process, by failing to allow alleged perpetrators of human rights abuses the opportunity to prepare their defence against publicly aired charges of atrocity. A leading civil rights lawyer is to mount a challenge to the commission shortly in the constitutional court on behalf of Steve Biko's family and others who are demanding that the murderers of their loved ones be subject to straightforward criminal prosecution.

Representatives of the commission, the attorneys-general

and others in the legal establishment, are expected to meet shortly to iron out their differences and thrash out a joint strategy. It is highly unlikely that the commission, which has a constitutional mandate, will retreat from its investigatory role. Nevertheless, there must be a suspicion that it has already discharged the task for which it was best qualified.

In his opening speech at the Nuremberg trials, the US prosecutor, Justice Robert Jackson, told the tribunal that its task was to put the law, 'its precepts, its prohibitions and, most of all, its sanctions on the side of peace' so that people of goodwill 'may have leave to live underneath the law'.

The question for Archbishop Tutu is whether his pursuit of the truth is not compromising that fine principle.

NOTES ON THE TRUTH AND RECONCILIATION COMMISSION (TRC)

by an ANC observer

I. Why The TRC?

1. The Constitution of South Africa makes provision for amnesty for acts associated with a political objective. It requires legislation to provide for mechanising criteria, and tribunals (if any) for this purpose. The cut-off dates in the Constitution is 5 December 1993.
2. There is therefore a constitutional requirement that a law be passed to provide for amnesty. The choice before the ANC was to pass an amnesty law pure and simple. This would have provided for and taken care of perpetrators. It would have totally ignored victims.
3. What is more the Bill of Rights requires non-discrimination and equality of treatment. A law restricted to amnesty only would make it impossible to place the struggle for freedom in proper historical perspective. It would also have glossed over the fact that the struggle was just and noble, that apartheid was immoral and a crime against humanity.
4. It is for these two reasons, namely (a) to place the struggle in perspective and (b) to place the emphasis on justice for victims, rather than mere forgiveness to perpetrators, that the TRC law (the National Unity and Reconciliation Act) sets up not only the Truth and Reconciliation Commission itself but three important sub-committees. The result is that whilst provision is made for amnesty, there are mechanisms and procedures to take care of the concerns of victims.

II. Why Amnesty?

The amnesty provision in the Constitution is one of the elements of a total political and constitutional settlement in South Africa. That overall settlement was necessary to secure democratic, non racial, one-person-one-vote elections in the country. Without that settlement we would still be in a pre-democracy stage. The settlement itself recognized that in the South African situation, with major world powers not allowing the South African apartheid regime to be defeated in war and struggle, the conflict in South Africa could have gone on for decades with massive destruction, loss of life and suffering. The political settlement saved South Africa from that fate. Amnesty is part of the package of compromises in that settlement and hence its inclusion in the interim Constitution.

III. Structures of the Commission.

The over-arching management body is a 17 person Commission headed by Archbishop Desmond Tutu. But the main working bodies are three sub-committees:

1. Amnesty Committee

This committee is headed by Judge Hassan Mall. It will consider all applications. There is no general or automatic amnesty. Applications must be on an individual basis and there must be full disclosure. Victims also have the right to be heard by the committee.

2. Committee on Human Rights Violations

This is also an important committee. It must put the historical record straight. What human rights violations took place? What caused them? What steps can be taken to avoid their repetition? It is at this level that the justness of the liberation struggle and its morality becomes relevant. Also the immorality of apartheid and the fact that apartheid was a crime against humanity. It is the ANC's duty to highlight these.

(continued over)

3. ~~Committee on Reparation & Rehabilitation of Victims~~

~~This committee must consider the plight and suffering of victims and make recommendations of how to restore their dignity and suggest concrete and creative ways of providing reparation. Again the ANC's role is clear.~~
The democratic government of President Mandela does not possess the resources to compensate fully all victims for the crimes committed by the apartheid state. This understanding is crucial. And yet we must do what we can.

4. The Role of the ANC

The ANC throughout the country must cooperate with and assist the TRC to make a success of its work. In every province, town and village our structures must mobilize our people.

We must

- a. assist those who wish to apply for amnesty,
- b. assist victims who wish to testify,
- c. organize our communities to submit representations on what apartheid and its forces did to them.
- d. every community has a story to tell. we must help them to tell it.
- e. cooperate with peoples organizations (MDM) so as to ensure that the history - the glory and the pain of the period covered by apartheid rule are recorded and remembered.
- f. make the work of the TRC part of transformation, ending suffering and building the nation. We want real reconciliation based on transformation - not a false reconciliation which equates apartheid with freedom or places them on the same moral plane.



HUMAN RIGHTS UPDATE

FOR WEEK NO.22
FROM 29/5/96 TO 4/6/96

CONSTITUTIONAL COURT

Truth Commission Act

AZAPO and the families of the slain Ribeiro, Mxenge, and Biko activists brought their case before the Constitutional Court on 30 May. They are testing the validity of section 7 (a) of the Promotion of National Unity and Reconciliation Act which states that a person who has been granted amnesty will not be civilly or criminally liable.

It was argued by AZAPO that the interim Constitution did not authorise amnesty and that it was not the intention of the drafters that the victims of human rights violations should be denied the right to recover damages for death, injury and damage to property.

When the Court delivers its decision, it will have important implications on the role of the Truth Commission and what recourse victims will have.

/* Written 10:33 PM Jun 3, 1996 by web:cppceli in igc:disarm.landmin */
/* ----- "Mozambique: SA Fact finding mission" ----- */
May 31, 1996 forward from cocamo@mail.magma.com

the following report which appears in the latest issue of the AIM Report by the Mozambique News Agency

Mozambique News Agency, 52-54 High Holborn, London WC1V 6RL, UK.

SOUTH AFRICAN DELEGATION INVESTIGATE LAND MINES

A high-powered South African delegation arrived in Maputo on 21 May to gather data on land mines, at the invitation of the Mozambican Campaign to Ban Landmines. The delegation included the deputy secretary general of the African National Congress (ANC), Cheryl Carolus, ANC parliamentarian Tony Yengeni, foreign ministry officials, and several journalists.

NGO warns of high human and economic cost

At a briefing session on 21 May for the South Africans, Paul Richardson, country director of the NGO Prosthetic and Orthotic Worldwide Education and Relief, estimated that as many as 17,000 Mozambicans have been killed or maimed by land mines. Available figures suggest that 42% of victims die immediately or before they can reach hospital. A further 27% lose one or both legs, 11% lose arms, and the remainder lose feet, toes or fingers. Children make up 15% of the victims and 75% are from among the economically active segment of the population.

Richardson, whose organisation operates four prosthetic centres in Mozambique, said that catering for the needs of mine victims would, cost at least half a million dollars a year for the next quarter century.

Demining "painfully slow"

Agostinho Chirrimo, of Handicap International, pointed to the painfully slow progress of mine clearance. In three and a half years, he said, only about 30,000 mines and other unexploded ordnance have been detected and destroyed. At this rate it would take centuries to remove the estimated two million land mines hidden in Mozambican soil.

Farida Gulamo, leader of the Mozambican Association of the Disabled, criticised the Government for concentrating its efforts on mutilated former soldiers rather than on the civilian victims. She was backed up by former education minister Graca Machel, widow of the late President Samora Machel, who said "the Government is not serious about its policy towards the disabled". She could not understand why more attention was not paid to the needs of civilian land mine victims, and to decentralising care to district level, where the victims are.

Asked what the South African Government should do, Gulamo replied "first, stop all production and export of mines". She added that South Africa "has a moral obligation to remove the mines it put here".

Mozambican commission looks at problem

The delegation met Deputy Foreign Minister Hipolito Patricio on 23 May. He told them that the matter was of "very serious concern" for the Mozambican Government, and a commission is looking into the question. The leader of the South African delegation, Cheryl Carolus, said that, according to Patricio, the cabinet was waiting for the commission's report and a decision will be forthcoming soon. Patricio also said the matter would have to go through procedures, including parliament.

The chairman of the South African parliamentary defence committee, Tony Yengeni, told the reporters that the Government has banned the import and export of mines, and suspended all use of mines by the armed forces, the SANDF. But before deciding on a total ban on land mines, the Government has commissioned a report from the SANDF on the implications of such a move.

In response to a suggestion that this was just a delaying tactic, and amounted to giving the military a veto over a land mine ban, Yengeni retorted that the SANDF were the experts on how to "look after our sovereignty and defend our borders from external threats". Yengeni stated that if the Government wants to take a strong and radical step with regard to land mines, they have to ask the experts to advise them on the implications of that step for national security. But in the final analysis the decision lies with the democratically elected civilian authorities, he said. Carolus was confident both Governments would deal with the issue sooner rather than later. Civil society will not allow Governments to sweep the matter under the carpet, she added. Both Yengeni and Carolus made it clear that they personally favoured a total land mine ban. Yengeni said their conviction was all the stronger after the two day visit, in which they saw demining operations in Manhica district, north of Maputo, and spoke with surgeons and land mine victims in Maputo Central Hospital.

Apartheid responsible for mines

They were also aware of the South African role in planting land mines in Mozambique during the years in which the apartheid regime controlled the Mozambique National Resistance (Renamo). Carolus said that although few mines of South African manufacture had been found in Mozambique, that did not mean that the mines did not come via South Africa. The apartheid military would have distributed mines of other origins, just as they distributed eastern bloc AK-47 rifles to their surrogates. The statistics available suggest that at least 10,000 people have been killed, or have lost limbs in land mine explosions since the signing of the Mozambican Peace Accord in October 1992.

AIM-23/5/96

Mozambique News Agency, 52-54 High Holborn, London WC1V 6RL,
UK.

No peace for South Africa's wand'ring warriors

May/June 1996

The Bulletin of the Atomic Scientists

When its war with the African National Congress ended at home in 1990, a group of former South African Defense Force soldiers started a private "military training and advisory firm" called Executive Outcomes, and hit the road.

Apparently, there was a market for their services. More than 500 employees ended up working as mercenaries in war-riven Angola—"doing the sort of things that training teams do all over the world," the firm's general manager Eelen Barlow explained to the South African Press Association.

But the United States and the United Nations,

which is supervising a fragile peace accord in Angola, condemned their presence. The African National Congress also demanded they "return home immediately."

In response to this pressure, the company announced it was leaving Angola in January. The Angolan government even hosted a departure ceremony on January 12, complete with speeches. Angolan President José Eduardo dos Santos assured U.S. President Bill Clinton that he had canceled the contract with Executive Outcomes.

In February, however, the South African government told the press it believed that Executive Outcomes still had agents in Angola. And Steve Goose of Human Rights Watch said the firm might be using front companies to continue its work.

If these South African fighters have adopted a new persona in Angola, it will not be the first time. During the 1970s and 1980s, the South African Defense Force, including many of the company's current employees, fought on the side of Jonas Savimbi's rebel National Union for the Total Independence of Angola (UNITA). One Executive Outcomes employee, a former member of the defense force, even spent two years in jail in the 1980s after being captured by the Angolan

government.

In 1993, Executive Outcomes hooked up with its former enemy. The company was hired by the Angolan government—the apartheid administration's Marxist enemy—to fight UNITA.

Barlow, who claims that Executive Outcomes is the largest such organization in the world, says it merely ran on-the-job training programs for local troops. But

he acknowledges that, "we were on occasion forced into a position where we had to take action to defend ourselves and, if threatened, we'd carry out pre-emptive strikes."

Executive Outcomes took some credit for the eventual signing of the Angolan peace agreement between UNITA and the government. Barlow attributed the agreement to the military superiority of the government troops trained by his organization. "It is easy to give ourselves a pat on the back," he said. "We saved hundreds of lives."

Company spokesman Andy Brown said in the July 29 *Economist* that the company "sees itself as a force for stability in Africa. We hope to create, by establishing a balance of power, the conditions for free and fair elections."

The company has also tried to change its image by branching out. The Johannesburg-based *Weekly Mail and Guardian* reported in 1994 that the company was planning a cellular phone network and resort hotel in Angola. It is also in the business of distributing Bibles.

But the South African government remains unconvinced. "We cannot be exporters of war, as people who believe in democracy," the ANC said in a statement in February.

Although the South African government opposes mercenary activity, it is not illegal under South African law. And at least some South African officials privately have expressed relief that these former special forces operatives were working outside the country, according to an October 9 article in the *San Diego Union-Tribune*.

It is unlikely they will return home soon. Even if its Angola operation ends, Executive Outcomes has found plenty of other military work throughout the continent. Since 1989, the company has expanded to as many as six other

African countries, most recently Sierra Leone.

Executive Outcomes also has a mining division, according to the *Economist*. Strategic Resources Corporation, a "Bahamas-based holding company

that also controls Executive Outcomes," was awarded mining concessions in Sierra Leone in August 1995 as payment from the government for its military assistance, according to *African Energy and Mining* newsletter.

"Military consulting," however, remains the company's most lucrative enterprise. During its first 12 months in Angola, Executive Outcomes made \$40 million, according to the *Weekly Mail*. It is estimated that employees get between \$24,000 and \$60,000 dollars a year—a good salary for men "rationalized" out of the armed forces.

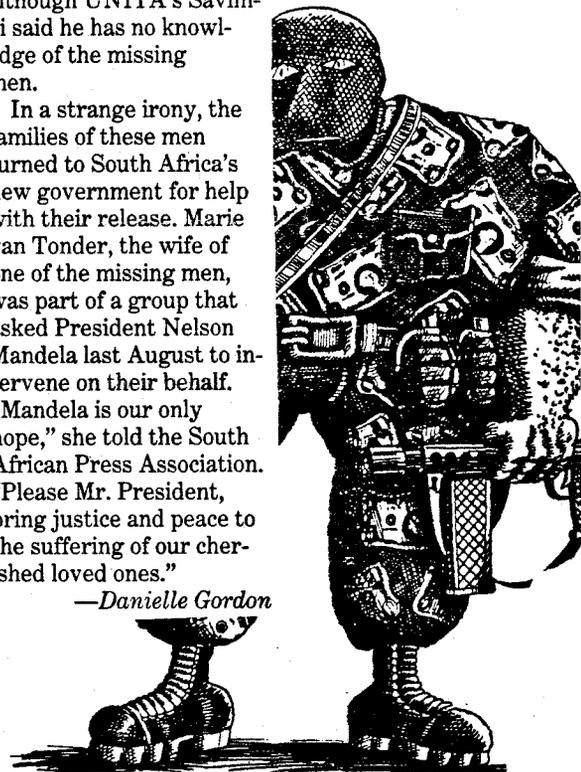
But the money does not come without risk. In August 1995, about 20 company employees were killed in Sierra Leone. Three

others were captured in February, and the firm has sent a "top delegation" to negotiate their release.

Four employees are still believed held in Angola, although UNITA's Savimbi said he has no knowledge of the missing men.

In a strange irony, the families of these men turned to South Africa's new government for help with their release. Marie van Tonder, the wife of one of the missing men, was part of a group that asked President Nelson Mandela last August to intervene on their behalf. "Mandela is our only hope," she told the South African Press Association. "Please Mr. President, bring justice and peace to the suffering of our cherished loved ones."

—Danielle Gordon



V. KAZANEVSKY



The Rev. Dr. Martin Luther King and Bishop Reeves confer
in New York in 1957.

—photo by Oscar J. Callender, Jr.



ECSA members and the Rev. Michael Scott after corporate communion
on Day of Prayer, November 9th, 1958. The Day of Prayer for the
Church and people of South Africa was initiated by Episcopal Church-
men for South Africa in 1957 and is observed each year by parishes,
missions, cathedrals, college chaplaincies, hospital and prison chapels
in the United States and Canada and by overseas mission stations and
armed forces congregations.

—photo by Oscar J. Callender, Jr.

GOD HAS A PLAN AND A PURPOSE FOR AFRICA. WE HAVE TO BE THERE AT THE HEART
OF THAT PLAN AND THAT PURPOSE. TREVOR HUDDLESTON, CR