



**MARCUS
MOTAUNG**



**JERRY
MOSOLOLI**



**SIMON
MOGOERANE**

EMERGENCY!



**NO TO
APARTHEID
EXECUTIONS**



**SAVE THE
MOROKA
THREE**

INTRODUCTION

Today in Pretoria, South Africa, three young Africans Moqoerane, Mosololi and Motaung are imprisoned on death row awaiting imminent execution. They are currently awaiting the result of a final petition for clemency to the State President. If this fails they will face the hangman's noose within a few days.

All three were sentenced to death for High Treason on 6th August 1982. They are members of Umkonto we Sizwe, the armed wing of the African National Congress, South Africa's liberation movement which is struggling to overthrow the apartheid regime.

Their trial was a mockery of justice. The State's case against the three accused rested almost entirely on "confessions" extracted under torture whilst being held in solitary confinement. These experiences convinced them that there was little purpose in appealing against sentence. They decided therefore to immediately Petition the State President for Clemency. This has placed a very heavy responsibility onto the international solidarity movement to mobilize urgently and massively to save their lives.

The Judicial processes have been exhausted. The State President, on the advice of the South African cabinet, has now to decide whether to proceed or not with the executions. In June this year the death sentences on three other freedom fighters were commuted following appeals from the UN Security Council and governments, organizations and individuals throughout the world. It is vital this is repeated.

However the apartheid regime is particularly determined to see the Moroka '3' executed. As the pamphlet explains they were involved in a number of daring

military actions against South African police stations - for so long the target of hatred by the black community in South Africa - which marked a very significant escalation of the armed struggle in South Africa. Moreover during these attacks four South African police men were killed - although no evidence was presented in the trial that any of the accused were directly involved in their deaths. The South African authorities naively believe that the execution of the "Moroka 3" will intimidate the liberation movement into abandoning the struggle against apartheid.

All three men in statements to the Court admitted their membership of Umkonto we Sizwe and that they had been trained as freedom fighters. It was argued persuasively in the Court by an international legal expert that they should be treated as Prisoners of War but the Judge dismissed this out of hand. (In 1977 a new Protocol was added to the Geneva Conventions to apply to armed conflicts in the exercise of their right of self determination including in which people were fighting against racist regimes).

The lives of three young men are at stake but also much much more. If the apartheid regime persists in going ahead with these executions it will set a precedent in which, like under the Smith regime in Rhodesia, the death penalty will be used ever more widely against all kinds of opponents of apartheid.

In a statement to the Court one of the "Moroka 3", Motaung explained how he had learnt from the ANC how the struggle against apartheid is being supported by organisations such as the OAU, the UN and the Anti-Apartheid Movement. Let us hope that we can live up to the expectations of these brave young men who are prepared to sacrifice their

lives to rid the world of the most evil system of apartheid.

The SATIS Committee urges individuals and organisations to act immediately

- * send telegrams or letters appealing for the sentence to be commuted to:
State President
and South African Ambassador
 - * write to the Foreign Secretary urging the British government to intervene to stop their execution
 - * contact your MP and ask for her/his support for the campaign
 - * join the weekly pickets of South Africa House, every Wednesday from 1-2pm, starting on Wednesday 29th September
- Contact the SATIS Committee for further information about the campaign.

DES STARRS,
CHAIRMAN
SATIS.

On 6 August 1982 Thelle Simon MOGOERANE, Jerry Semano MOSOLOLI and Marcus Thabo MOTAUNG were sentenced to death for High Treason. Judge D J Curlewis presided over a trial which spotlighted the level of resistance to the apartheid regime and also indicated the horrific treatment which the state metes out to its opponents. The three faced a total of 21 charges relating to armed attacks on government targets between 1979 and 1981.

The three were members of units of Umkonto we Sizwe, the military wing of South Africa's liberation movement the African National Congress. They had left South Africa in the wake of the Soweto uprising in order to join the ranks of the liberation struggle to overthrow the apartheid regime. They returned as trained freedom fighters into South Africa where they took part in a series of courageous actions against key police stations and economic targets.

The trial itself was of no comfort for the Pretoria regime and the white racist minority since as the evidence against the three was unfurled it demonstrated the growing military capacity of the ANC within the heart of South Africa.

The most startling revelation of the trial was just how advanced the ANC preparations for a full scale military confrontation with the apartheid regime are now. Details were revealed of two underground military bases which the ANC had established, one on an island in the River Apies near Hammerskraal and the second was situated between the Medical University of South Africa (MEDUNSA) and GaRankuwa railway station. From these bases military operations were carried out against four police stations, Moroka, Mabopane, Wonderboomport and Orlando. Also a power station at Capital Park near Pretoria, and electrical transformer at Rosslyn, petrol pumps at Watloo and railways lines near New Canada were extensively damaged. During the attacks on the police stations four South African police were killed in action.

Many of these actions by Umkonto we Sizwe only came to light as a result of the trial since they had either been ignored, censored or sparingly reported by the South Africa press.

The first of these actions, at Moroka police station in May 1979, marked a new phase in the conflict between the liberation movement and the racist regime came one month after the execution of Solomon Mahlangu who was hanged on 6 April 1979.

THE ACCUSED

Thello Simon Mogoerane, Jerry Semano Mosololi and Marcus Thabo Motaung all left South Africa following the Soweto uprising of 1976. At that time they were school students who had come to a realisation of the oppression caused by apartheid. They saw the poverty and struggle of their parents; they felt the indignity of having to carry a pass from the age of 16 years; they recognised the inferior quality of the education they were being given. Then in June 1976 the school students rebelled. Armed with nothing but their anger they took on the might of the South African state. Mogoerane who had to live away from home to get schooling, told of returning home thinking that "the war had started and that freedom was near". When he saw that police put down the unarmed uprising with live bullets he realised that "it was pointless taking papers and making placards, because one would be shot whilst doing so. I decided to..... get myself a gun to fight against these people, because they would not have given me a gun. The only person who is given a gun in South Africa is the person... who defends the apartheid police".

Mosololi took part in a student demonstration in 1976 at an Orlando high school in Soweto. Police fired teargas at the students who were ordered to disperse. As they did so the police shot them. This confirmed him in his resolve to fight the apartheid system.

Motaung testified that seeing the brutality of the police, seeing "very young babies of two weeks old being choked by the fumes of teargas" made him decide that he just had to "fight for the liberation of the **black** person". After these experiences Motaung said he was so bitter he just wanted to kill all whites but he had subsequently learned from the ANC that "the whites and blacks in South Africa have got to live together".

During the student uprisings of 1976, which spread throughout South Africa, over 1,000 school students were killed by police bullets, and many others were maimed or wounded.

INCIDENTS

As members of Umkhonto we Sizwe, the armed wing of the ANC, the three accused returned to South Africa during 1979 and 1981 and carried out armed attacks on various selected targets. In accordance with ANC policy these targets were chosen to inflict maximum damage on the apartheid state but avoiding harm to the civilian population wherever possible. The attacks involved three police stations, a railway line and an electricity power station. Mogoerane and Motaung were charged with taking part in an armed attack on the Moroka police station, Soweto, in May 1979 in which one policeman was killed. Six months later they took part in another attack in Soweto, on the Orlando police station and administration board offices in which two policemen died. Two attacks involving no loss of life or injury were aimed at a railway line near Soweto in May 1981 and an electricity transformer in Pretoria in December of that year. In evidence Mosololi pointed out that the railway line was deliberately blown up during the night at a time when no trains would be passing by. Sabotage, not derailment, was the aim.

Finally, in December 1981 Mogoerane and Mosololi participated in an attack on the Wonderboompoort police station near which a policeman died.

The police in South Africa are part of the armed forces of the régime and play a major part in enforcing apartheid and in suppressing resistance by force of arms. In court the accused explained that when police stations were attacked, the police manning them would come under attack. One accused said that he felt personally sad about the policemen killed, but that it was a war situation. Another accused asked "what do you do when you meet an enemy in war?".

TORTURE

The trial exposed the South African legal system for what it is - a travesty of "justice". Two of the accused, Mogoerane and Mosololi, were detained on 28 December 1981. They made their first court appearance four months later in April 1982 when they had their first opportunity of asking for legal representation.

The period of detention before trial is crucial because it is then that the suspects are tortured into making "confessions". Often such torture is so severe that detainees will "confess" to anything that South African police say. The defence challenged the admissibility of statements made by all three of the accused, as they had been given under duress. Both Mogoerane and Mosololi were tortured in detention while Motaung, who was shot three times during his arrest, was left for two days without any medical aid.

Thelle Simon Mogoerane told of his assault by security police at the site of his arrest. His hands were tied behind his back, a rope was put round his neck and he was hung from a tree so he had to stand on tiptoe. A plastic bag was placed over his head to interfere

with his breathing. He was taken to Hammanskraal and then Pretoria police stations for further questioning and torture.

On the way to Pretoria he made an escape attempt in which Captain Visser suffered a bruised eye. Mogoerane stated, "What I did to Captain Visser was nothing compared to what was done to me". At one time a pistol was placed in his mouth and a loud bang like a shot was sounded on a table: "I actually wish a bullet had gone off", he said. He was made to squat against a wall until he was tired, then he was jerked up by excruciating pressure applied behind the ears. Police evidence admitted he was questioned for 20 hours. Judge Curlewis ruled his "confession" admissible but, paradoxically described Mogoerane's statement on his torture as the words of a "compulsive liar".

Jerry Semano Mosololi also told the court of the assault which led him to make a statement. Immediately on arrest he was punched on the mouth and made to lie on the ground with his hands tied behind his back. Captain Visser put a plastic bag over his head and a dog was set on him. (In court Mosololi lifted his shirt to show the scar left by the dogbite). He was then blindfolded, partially undressed and given an electric shock. Judge Curlewis, on ruling Mosololi's "confession" admissible, stated: "The evidence of the assault was a pack of lies and he was not threatened at all".

Marcus Thabo Motaung was captured on 1 May 1982 after the other two had already made their first appearances in court. During the arrest he was shot in the hip and groin and required an operation. However, this treatment was delayed for two days during which time he received no treatment although he was bleeding internally - 200 ml of blood collected in his stomach. Five hours after being shot he was

examined by District Surgeon Snyman. She neither disinfected nor dressed his three wounds, which she described as "not serious" and assessed that it was more important for him to assist the police than to undergo immediate treatment. In court she said she was "sorry" she had not rendered the necessary treatment to the accused. While being taken to the police station Motaung said: "I was bleeding and it was painful where I was shot. I told them to take me to hospital because I was in pain. I was told by Major Nel that I would only be taken there after I had produced the guns". Motaung spent one whole night leaning against the bars of his cell, unable to sleep through pain. When Motaung was eventually admitted to the hospital on 3 May he remained there for eight days. Then 24 hours later he was taken to a magistrate to make a statement.

Judge Curlewis believed the police evidence that stated Motaung had never requested treatment. He ruled that Motaung had lied about the extent of his injuries and the pain he suffered. It is unbelievable that a man suffering three gunshot wounds should not even ask for medical care.

CONDUCT OF THE TRIAL

The ruling on the defendants' "confessions" was only the most blatant example of bias. There were also many other ways in which the rights of the accused were abused. Mogoerane and Mosololi were first brought into court barefoot and shackled. Only at a subsequent appearance after they had obtained a lawyer did he successfully request their leg irons be removed.

The defendants faced a total of 21 charges but in spite of this, and the seriousness of the charges, the Judge seemed impatient to conclude the proceedings swiftly. He refused to start the trial until the two sides, defence and prosecution, had agreed to seven admissions which would "certainly save many weeks or months of the trial".

He later refused a defence request for a "trial within a trial" concerning whether the defendants had pointed out places and things to the police voluntarily or after assault. He ruled that it would lengthen the trial. The trial commenced on 5 July and one month later on 6 August the three were condemned to death.

At the magistrate's preliminary hearings the defendants were expressly forbidden to plead in English or to use that language to communicate with the court. However, it became apparent later that the practice of conducting all the proceedings through an interpreter caused communication problems between the defendants and the Judge.

Most of the state witnesses were policemen brought in to deny the defendants' charges of torture and assault. At least one less willing state witness denied an earlier statement he had made implicating one of the defendants, claiming it had not been made voluntarily. Another state witness was warned by the Judge to answer all questions satisfactorily and thus gain indemnity from possible prosecution as an accomplice. South African law permits state witnesses to be detained in solitary confinement for the duration of a trial. Many are coerced and assaulted to compel them to testify. In another recent trial proceedings were almost halted after seven state witnesses, all of whom had been detained prior to the trial refused to give evidence. Five of them received prison sentences of up to 5 years as a result.

PRISONER OF WAR STATUS

The main arguments in court over the sentence concerned the question of whether or not the accused should be regarded as prisoner-of-war, and the question of whether the death sentence should be imposed on people motivated by the ideal of the freedom of oppressed people. Extensive evidence on prisoner-of-

war status was given by PROFESSOR John Dugard, Professor of law in the University of the Witwatersrand, where he is Director of the Centre for Applied Legal Studies. The attitude of the judge was characteristic: he dismissed it out of hand. But the evidence of Professor Dugard, a specialist in international law, indicated quite clearly the commitment of the international community that the three accused, armed combatants of the ANC, as should be treated as prisoners-of-war.

Professor Dugard outlined for the court the development of the Geneva Conventions. These were originally framed in 1929 and their purpose is to protect prisoners-of-war and to introduce certain humanitarian standards into armed conflicts.

Professor Dugard explained that starting from 1960s there had been pressure from third world countries and from some European states for an extension of the Conventions to national liberation struggles. The UN had approved this call and adopted a number of resolutions calling upon states to treat members of national liberation movements as prisoners-of-war. In particular the UN General Assembly had called on the South African government to treat members of the military wing of the ANC as prisoners-of-war.

As a result of these developments the Geneva Conventions were altered in 1977. The 1977 protocols extend the protection of the Conventions by widening the definition of armed conflicts to include those in which people are fighting against colonial domination, and against racist regimes, in the exercise of self-determination. They have been ratified by 21 states, including five Western European states. South Africa has not ratified them. The ANC on the other had declared in 1980 its adherence to them.

Professor Dugard also gave evidence to the effect that the ANC had a status internationally as a national liberation movement and that within the international community "there is a belief that members of the ANC should be given prisoner-of-war status".

The judge dismissed the evidence out of hand. Even if 21 countries had ratified the 1977 protocols, the judge said that as South Africa had not done so; "We do not need to waste time". As to the fact that the ANC was regarded as a national liberation movement, as was the PLO, the judge responded: "I do not know if you can make much of that. If it is a lot of dotty people overseas (saying) that a bunch of murderers like the PLO (who) spend their time killing Jews is a liberation movement and that they link the ANC with that, then it does not say much for their right thinking."

In his address in mitigation of sentence, Counsel for the Defence drew the attention of the court to a tradition in South African courts from the beginning of the century, that the death sentence is not imposed on people who have acted in the belief that what they were doing would help bring freedom to oppressed people. He cited cases going back to the beginning of the century, including ones involving white Afrikaners fighting against British forces in 1900. The most recent case he cited was that of SWAPO of Namibia who were found guilty of infiltrating the country and engaging in acts of sabotage, such as the placing of landmines and the damaging of railway lines. The court considered that their actions could have led to the deaths of innocent civilians. Nevertheless, having heard evidence (also from Professor Dugard) in regard to the status of the accused and the general situation, the court did not impose the death sentence.

APPENDIX I

The Biographies of and Charges Against THE MOROKA 3

The accused faced 21 charges - one of High Treason and 20 alternate charges of Terrorism, murder, attempted murder and robbery with aggravating circumstances. The charge sheet accused them of membership of the ANC, undergoing military training, establishing underground bases and participating in armed attacks.

Thelle Simon Mogerane (23) is from Vosloorus in Boksburg. He attended school to Standard 9 in Boksburg and in the Qwa Qwa bantustand. He left South Africa in 1976 after the Soweto uprising and joined the ANC in Botswana.

He was specifically charged with:

1. Attacking Moroka police station, May 1979
2. Attacking Orlando police station, November 1979
3. Attacking the Capital Park electricity power station, Pretoria in December 1981.
4. Stealing a car for use in the Wonderboompoort attack, December 1981.
5. Attacking the Wonderboompoort police station in December 1981.

Jerry Semano Mosololi (25) is from Dube, Soweto. He attended Orlando North High School where he completed Standard 8. He left South Africa in 1976 and joined the ANC in Swaziland. He was specifically charged with:

1. Sabotaging the railway line near New Canada, Soweto in May 1981.
2. Attacking the Capital Park electricity power station, Pretoria, December 1981.

3. Stealing a car for use in the Wonderboompoort attack, December 1981
4. Attacking the Wonderboompoort police station in December 1981.

Marcus Thabo Motaung (27) is from Diepkloof in Soweto. He attended Madibane High School where he matriculated. He left South Africa in 1977 and joined the ANC in Swaziland. He was specifically accused of:

1. Attacking Moroka police station, May 1979
2. Attacking Orlando police station, November 1979.
3. Planning but not participating in the attack on Wonderboompoort police station, December 1981.

APPENDIX II

Voices from the Dock.

On the day that they were sentenced to death, these 3 young freedom fighters used the opportunity of brief appearances in the dock to articulate the daily realities of apartheid for the black people of South Africa, and their motivation for joining the liberation struggle.

QUOTES FROM MOGOERANE

Education: We do not have sufficient facilities. Our education is not free. Our parents have to work very difficult (sic) in order to be able to keep us at school. I was educated in Boksburg until I completed my secondary education in Boksburg. There was no high school there. I then proceeded to a boarding school which is in Qwa Qwa.

Pass Laws: A policeman can stop you at any time to ask you for a reference book and the reference book confines you to a certain area. This is only applicable on a black person. The white man is never asked for these things. A reference book also has the effect that a person, a black person, cannot move and go and stay in a different area. He is only allowed to be there when he is employed there.

Soweto: Immediately the uprisings had started, I thought this was war which would eventually lead to freedom and I, as one of the oppressed people, also had to take part.

ANC and

armed struggle: Originally the policy of the ANC was to unite the people in order to free them by talking to the government ... a change came about because of their previous failures. it was decided that the ANC will talk to the Boers in the same manner in the language they understood by shooting, this is an armed struggle.

I elected to be a soldier.. primarily I had to fight to have the people at home freed. I regarded myself as a soldier, a person who was fighting for the freedom of his people.

Full quote used in test:

We decided that it was pointless taking papers and making placards, because one would be shot whilst doing so. I decided to go out of the country. I decided to go out of this country to go and get myself a gun to fight against these people, because they would not have given me a gun. The only person who is given a gun in South Africa, is the person who is - who defends the apartheid policy. I knew that I was an adversary of apartheid and I had to go out of the country.

Quotes from Mosololi:

Poverty: I am unable to say how much (my parents) were earning. Taking into account the life that we led in the house, it was obvious that they received very little. My mother could not keep us in school.

- Education:** The education that we received did not compare with that of the whites. The facilities they had, we did not have.
- Passes:** One knows what a reference book means, it means you are restricted to a certain place. You cannot go where you want to unlike whites who can move around.
- Soweto:** We proceeded into the yard of Orlando West High (School). Whilst we were there police vehicles came and stood around the school. Then they started shooting teargas at us. We were then ordered by the police to disperse. When we went out of the schoolyard like schoolchildren singing, then the police all of a sudden started shooting.
- Poverty:** I realised that they (white people) had all the necessary facilities. If one looked in the township, one would see that the children do not have these facilities, some are sick and some are just hungry. All this being caused by racial discrimination.
- ANC:** Seeing all these things I started trying to find out if no action has ever been taken to rectify these mistakes. I discovered that the ANC was formed with the purpose of rectifying these things, to fight for the rights of the black person. The Freedom Charter puts into perspective the fundamental principles of what the people in South Africa are interested in.

Armed Struggle: The anger in me that was caused by this situation in South Africa made me join military training in order to enable myself to be able to fight against these things. I took myself to be a soldier, a freedom fighter.

* * * * *

CONCLUSION

Political repression in South Africa is reaching new levels of brutality and callousness. Recent political trials have been characterised by charges of treason which have led increasingly to sentences of death. Convictions have been based almost exclusively on the "confessions" of the accused, extracted under torture during lengthy periods of solitary confinement. In June 1982, following a massive international campaign which included an appeal from the UN Security Council, the Pretoria 3 (Lubisi, Manana and Mashigo) were saved from the gallows.

A similar campaign can save the lives of the Moroka Three, and we appeal to every individual and organisation to make urgent representations to stop the hangings.

Write or telegram NOW to:

The Rt Hon Francis Pym MP, The Foreign Office, Downing St., London SW1, urging that the British Government should intervene directly with the South African authorities.

The State President, Union Buildings, Pretoria, South Africa, urging clemency for the Three.

Please send copies of your letters / telegrams to:

SATIS

c/o 89 Charlotte St., London W1

SUPPORT
ANC & UMKHONTO WE SIZWE
Remember June 1976
" Mahlangu
take up arms-fight!

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AGAINST THE MOROKA POLICE STATION.

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