

## *Kader Hassim (1934 – 2011)*

A COMMITTED revolutionary who was jailed on Robben Island for his anti-apartheid activities, Kader Hassim died in a Pietermaritzburg hospital after a long illness on his birthday on 10 November, 2011, at the age of 77.

Born in Dundee, KwaZulu Natal, in 1934, of parents both born in India, he was to devote much of his life to improving the lot of his fellow man as an activist, unionist, and lawyer fighting oppression, injustice and exploitation.

He was repeatedly placed under house arrest from 1964 on. Eventually, in 1971, both he and his wife, Nina were detained under the Terrorism Act in 1971 and he was sentenced to eight years in prison on Robben Island.

While he was in prison he was struck off the roll of attorneys by the Natal Law Society for his political activities. It was, in his view, an unjust action and he made them pay dearly for it by becoming the first attorney to successfully force the society to apply on his behalf for his re-admission in 1996.

He was also the first attorney to successfully enlist support from the Supreme Court in ruling against his being held in isolation in prison as punishment for helping his fellow prisoners draft a petition against the jail authorities.

His activism started almost immediately after completing school at Umzinto High in 1951. Strongly influenced by Marxist-Leninist socialism, and by Trotsky's idea of a permanent revolution, he was involved with NEUM (the Non-European Unity Movement, revived in 1985 as the New Unity Movement) but it was to the African Peoples Democratic Union of Southern Africa



*Kader Hassim*

(Apdusa), which he joined in 1964, that he would devote much of his life.

He was introduced to trade unions while working for a spell in the leather industry in Pietermaritzburg in 1953 before studying law at the University of Natal's Non-European section in Durban. He was active in both the mass leather-workers' strike in Pietermaritzburg in 1960 and a student boycott of the university's Golden Jubilee celebrations in the same year.

He also joined the Durban branch of the Society of Young Africa (Soya), formed by Karrim Essack and the activist husband and wife team, Dr Zulei Christopher and lawyer Enver Hassim in 1955. Kader Hassim was an active member of Soya, becoming editor of its journal, *The Soyan*.

His widow, Nina, in a tribute to Kader Hassim at a memorial gathering on 19 May 2012, recalled the impact of the university years:

“Soyans were expected to study local and international politics in depth. They attended lectures and study groups on

political theory, the French, Russian and Chinese revolutions, Marxism/Leninism, the rise of Stalin and the purge of the Bolsheviks; also the works of Trotsky and Deutscher, who chronicled the rise of Stalin and the purge in Russia. Trotsky's idea of a permanent revolution as society develops from one stage to the next had resonance. The Chinese revolution, in particular, was of great interest and Kader was a lifelong believer in the Chinese method of struggle and the way they not only had conducted themselves but also their revolution. He marvelled at the way they adapted as circumstances changed.

"During the mid- to late 50s the students all over South Africa were very restive. The universities were going to be closed to black students and the effects of "Bantu" and "Coloured Education" were a source of anger. The movement decided that in that tense and heightened atmosphere students should go out to mobilise and form an organisation of their own. Many Soyans became involved. However, it was also at the height of the polemic between the different factions or tendencies of the movement.

"As a result of the political work at the university the students boycotted the segregated graduation, and also picketed the performances put on when the university celebrated its Golden Jubilee celebrations.

"When the huge Cato Manor march took place Kader and other students from the Durban Students' Union (DSU) and Soya joined the march. The police fired on the marchers and the students were witness to people killed on the corner of Berea Road and Syringa Avenue."

Kader Hassim excelled at university and went on to complete a post-graduate

LL.B. degree with a number of distinctions. When offered a scholarship to study overseas he consulted senior comrades who told him that the movement required him to remain in South Africa.

It was "a decision he never regretted. He was too loyal to harbour regrets. The struggle always took precedence over everything else. It is ironic that some of those who stopped him from going themselves eventually left the country," recalled Nina Hassim.

"He believed in freedom and justice. He gave a large part of his life, over 60 years, to the Unity Movement as a member of the Society of Young Africa (Soya) and The African People's Democratic Union of Southern Africa (Apdusa). Because the contribution of organisations other than the ANC involved in the liberation struggle are being erased by the re-writing of history in South Africa, it is important to remember the contribution and role of the organisations to which he was committed," she added.

In 1961 he was articled to Enver Hassim at the legal practice of A. Christopher and Co in Durban. The two were close comrades who had worked together during the Pietermaritzburg leather workers' strike but also in Soya and Apdusa. The Apdusa branch in Durban was a large one and published a national newspaper *Ilizwi Lesizwe*. Enver Hassim, assisted by Kader, was responsible for the production of the newspaper. This involved cutting, pasting, artwork and layout, as well as overseeing its printing and distribution. This experience proved invaluable to Kader later when he returned to Pietermaritzburg and the group acquired their own fully functional press in the 1980s and 1990s.

In 1963, when he finished his articles Kader, together with V.S Rajah and Pat Naidoo, came to Pietermaritzburg and set up practice. Their purpose was twofold – to work professionally and do political work in the Apdusa branch. However, as the first year was tough financially both Rajah and Naidoo left, leaving Kader to run the practice on his own. Apdusa political work ranged from Edendale, where some members worked at the hospital, as well as in what was called the sewerage farm where the Indian municipal workers lived near the dump, and in town.

Among other things they published and distributed political pamphlets. It was a race to get them out before the police could confiscate them. After a year of this the police intimidation mounted to such an extent that it began affecting the local Apdusa membership's activities.

"In May 1964 three of the members including Kader and myself were called before a magistrate and warned not to take part in political activity," recalls Nina Hassim.

"In June 1964, Kader was house arrested and banned. He was only 29 years old, probably the youngest house arrestee at the time, especially as most restricted people had banning orders and were not house arrested as well.

"The banning order was for five years and was renewed in 1969. Throughout his banning he still took part, sometimes by proxy, in the affairs of the group. He was careful and was ready at any time to leave the room if he was raided.

"Some time in 1969 Kader was asked for financial help for the people who had entered the country to do political work and recruit for training. Kader, usually so measured and thoughtful, agreed. He was probably tired of the lonely and

stultifying years of house arrest. This activity gave him something concrete to do. They survived for six months without being detected, at a time when there was naked fascism. Detention of people who were politically involved could take place without recourse to the law, first for 90 days and later indefinite detention.

"Kader himself was detained under the Terrorism Act on the 17<sup>th</sup> February 1971 and was charged in June 1971. Originally he was kept in Greytown, then at the old prison next to the old gallows. While he was not violently physically assaulted he did undergo the usual sleep deprivation and psychological torture. This included threats, degradation and obscenities and one always expected the worst. He was worried about family and friends. Once a gun was laid where he could see it, and he admitted in an interview that he even thought of suicide. The security police also confronted Kader with one of Karim Essack's organisers, who wanted to assault him.

"Just before he was charged he was set up by the security police in a very cruel way. It was simple entrapment. While he was at the old prison a warder offered to help him escape. We were sent messages for money to assist in this escape and to pay the warder.

"It is unclear whether the security police were in it from the beginning or got wind of it after the offer was made. At any rate they did and then pulled in people for interrogation. They were furious with Kader and threatened him. However they could do very little because unknown to them the hero of this affair was Morgan Naidoo, who came to see me and told me not to do anything and that saved Kader because the arch torturer, Swanepoel, told Kader that if

he had tried to escape he would have shot him. Knowing Rooi Rus Swane-poel, that was quite likely!

“The trial itself dragged on for nearly a year. It was a strange mixture of truth and the bizarre. There were a few memorable moments but the trial was notable for the extreme bias of the judge, who never accepted that torture was routine or saw anything wrong with the camp the security police set up in Mkambathi forest to torture and interrogate the peasants and others from the Transkei. At the end of the trial Kader was sentenced to 21 years but because some of it was concurrent, his effective sentence was eight years. From Pietermaritzburg they were taken to Leeukop prison and from there to Robben Island.

“Robben Island is a bleak, cold place. Kader said Leeukop was so cold, unpleasant and overcrowded, that he was happy to go to Robben Island. It was a relief to be away from the police. But no sooner there than events unfolded rapidly. At first he was put with the Namibians – Swapo members who were warm and loving and also with some of the older ANC prisoners. The prisoners decided that as there were two lawyers, they wanted them to draft a petition of grievances. The job fell to Kader. Fifty prisoners signed the petition.

“As far as the prison authorities were concerned the petition was treason and Kader was immediately put in isolation or solitary confinement as punishment. He managed at the next visit to get word out about his predicament and when the urgency became apparent, lawyers and counsel went to see him and took his plight to court. This was a ground-breaking case; never before had anyone taken on the prison authorities in this way. I must mention here that it was through the work of his counsel,

the late Dr Peter Hunt and Mr Dison that the power of the prison authorities came under scrutiny.

“Never again could someone be thrown into solitary on a whim or have the handbook or regulations for the treatment of prisoners withheld. Judge Diemont dismissed the argument that he had no jurisdiction over the prison authorities as there was nothing in the regulations that allowed or disallowed prisoners recourse to the court, and while he could not force the prison authorities to allow prisoners to study, or take away the right of the officer commanding regarding privileges, he asked them to use their discretion. The most important thing was that he ruled that the order of solitary confinement was invalid because there was no fair hearing. Kader was immediately freed after having spent six months thus.

“He said his time on Robben Island was one of learning. He did formal studies and completed the B Compt degree. He learnt to play the guitar, read music and skip. He played table tennis. In 1974 he was the singles champion and doubles champion with A. Mlangeni. Because of his family medical history he believed he came out fitter than if he had remained outside prison, and that prison gave him extra years of life.

“Prison was not always rosy or happy. Because he had stood up to the authorities over the petition there was residual envy on the part of the ANC. Mandela had for years maintained that prisoners could not use the court to take on the prison authorities, and had been shown to be wrong.

“In discussions, Kader would not let them get the upper hand on political and other issues affecting the prisoners. There was a time when he was estranged from some members of the

ANC in the single cells and they refused to lend him books. A few brave ANC people, who respected him, did break that embargo. When the Black Consciousness members came to Robben Island they put a stop to this. They made his life tolerable. They were a source of comradeship. His was the last cell and the nearest to them and messages were sent through him.

“Kader persevered through it all and he never ever regretted that period of his life. He believed that once you have endured prison you would never fear prison. He was released on 5 April and banned once again on 9 April 1980.

“When he was released he was not re-admitted as an attorney, having been struck off the roll whilst in prison. Morgan gave him a job in his office. He discovered that Apdusa was virtually dead, its members dispersed, and almost apolitical. This was the inevitable result of the mass arrests before the trial and the fear that the ruthlessness of the state and the draconian laws of the time instilled. He started to get people to regroup. When the banning order was withdrawn on 28 April 1982 he could do political work openly. The organisation was revitalised, old members brought in and new members recruited. Contact was made with other people in other parts of the country. The printing of pamphlets and the re-printing of the literature went on apace. In this period Kader started a fully functional press for the organisational work. He was assisted by professional printers. Kader believed that the organisation should be self-funded and independent. The members gave donations and an annual braai helped to maintain the press and pay for the organisation’s needs.

“Kader knew that the organisation could not work in isolation and so

overtures were made to other political groups. There was a lot of camaraderie between the Azapo and BC groups, some trade unions as well as Sacos, Sached and other left-leaning individuals. He was one of the founders of Lawyers for Democracy, which was an alternative to the Congress-led legal groups. He also worked with members of Sacos, the South African Council on Sport.

“A lot of political work was done against the Tricameral Parliament and the next wave of arrests took place. Kader was detained on 21 August 1984 with several of the NIC members. They were released by the court on a technicality on 7 September 1984. Kader immediately went into hiding in Durban. Some of the NIC members went to the British embassy but Kader remained in hiding. He told *City Press* (23 September 1984) that it was not a life and death issue and that he did not “want to give Britain the opportunity to be the champion of South Africa’s oppressed people”. He gave himself up on 8 October 1984 and was released on 18 October 1984.

“Apart from the old Soyans and Apdusans the other group who had remained committed in the main to the Unity movement position were the former Anti-CAD people in the Western Cape. Many meetings were held and these initiatives resulted in the formation of the New Unity Movement (NUM) in 1985. The NUM, however, did not measure up to the original promise. Once again ideological problems surfaced. The split of 1958 was re-lived; agreements and policy were undermined. There was a lack of clarity on major theoretical issues as well as financial matters. To this day money is

still owed to Apdusa for work done or literature supplied.

“In the end Apdusa Natal was forced to break relations with the Western Cape grouping and the organisation was once again on its own. Kader concentrated all his energy on Apdusa Natal. He interacted at all levels spreading the ideas of the organisation as well as writing extensively on events. *Apdusa Views* was almost entirely his work. There are many gems in these writings. When an issue of *Apdusa Views* was banned he appealed and won.

“Many wide-ranging and important topics were dealt with. He wrote amongst other things about the attack on freedom of expression, ANC support for dictators, the abuse of cultural practices, racialism, and fascism. He wrote about the family of Trotsky who had survived the Stalinist purge and so showed the international link and solidarity.

“As early as 2005 he wrote “The Judiciary in Crisis”, an indictment of Judge John Hlophe and the way he behaved, the misuse of the judiciary, the use of transformation and racialism to further narrow interests. The saga of Judge Hlophe is still unresolved after all these years. Before he died he was thinking of writing about the appointment of Judge Moegoeng; such an article would have dealt with the threat the ANC poses to the Judiciary.

“In 2009 when he was already very sick he undertook a major defence of Apdusa and its leading members. An academic, Ciraj Rassool, had ingratiated himself with Jane Gool who provided him with material which he used as a basis for a thesis. This thesis was an unwarranted besmirching of the history of an important and principled organisation and its founders and leading theoreticians. Kader sought help

from others to rebut that vilification. When none was forthcoming he spent many months, though ill, and completed the Rebuttal of Ciraj Rassool’s Denigration of Tabata which was posted to the website in April 2010. It was a labour of true loyalty to the founders of the movement and one which he did with precision and care and is of historical significance.

“In April 2011, though ill, he dealt with the spectre of fascism and whether those who did not support the ANC and the DA should abstain from voting, which is what usually happens. The times called for a new approach to fascism and corruption. He believed that the principal contradiction remained that between capital and labour, and defended that position.

“Kader grappled with ill-health for a number of years. It started a long time ago when he was quite young and was diagnosed with impaired glucose tolerance and became diabetic in time. About 1987 he had a heart attack which left some damage to his heart, but he carried on doing the things he had to do. The only concession he made was that he worked as a lawyer for half a day only to conserve his energy and time for political work.

“The last years of his life were extremely stressful medically. He lived with renal failure. He had a number of operations as he feared having a debilitating stroke and he also underwent surgery for two fistulas. The latter were a failure in many respects. He had a lot of discomfort which he stoically lived with. Dialysis did not prolong his life, yet he was still trying to write on relevant and important topics.”

PETER CROESER, based on the  
tribute of NINA HASSIM