

Under the State's emergency: Memories of Pietermaritzburg, 1986

by Christopher Merrett

Fascism famously stomped around in jackboots, but it sometimes wore carpet slippers, padding about softly on the edge's of one's life....

Alan Furst, Blood of Victory

ONE dominant memory of that June of 1986 in Pietermaritzburg: grey, chilly days and dark, menacing evenings. Presumably it was a winter of cold fronts; but the general atmosphere was accentuated by an absence of familiar faces – some people on the run, others keeping their heads down. We kept active to dissipate anxiety and nervous tension.

The signs had been evident for a while. The 1985 State of Emergency had lasted from July 1985 to March 1986 but did not affect Natal, ironic in view of the later history of the

province. People had been detained for brief periods under security legislation, others had been in hiding, and there was a pervasive sense of being monitored by the security branch – phone tapping and an intimidatory presence at meetings and demonstrations, for instance, as well as abusive night-time calls.¹ A ban had already been announced for all commemorative meetings linked to Soweto and Freedom Charter days but this, it was assumed, would be avoided by church services. Rumours of martial law, another Emergency and mass arrests abounded and on 9 June I wrote,

“There is a feeling about that a national revolution could be in the offing: clearly the authorities are very scared.”²

Speculation became redundant on Thursday 12 June and by breakfast telephoned news announced that a number of people had been taken in during the night under security legislation. That morning the university was buzzing with rumours about who was missing, although at this stage it was unclear whether they were sitting in a police cell or avoiding the authorities. The picture remained confused for some days.

A number of those definitely in custody were from the University of Natal, including Yunus Carrim and Yusuf Bhamjee, members of the Joint Academic Staff Association (JASA). The traditional response to crises of this nature was to call a meeting and the morning was spent organising and publicising a gathering that took place at lunchtime in the Main Science Lecture Theatre (MSLT; now the Deneys Schreiner Lecture Theatre). It was an event that excelled all those before and, possibly, those that came afterwards. People crammed the gangways and sat on window ledges.

The Students Representative Council (SRC) had spent the morning drawing up a list of the detained in Pietermaritzburg and this had grown to about 50 by lunchtime. Professors Deneys Schreiner, David Maughan Brown, Colin Gardner and James Lund spoke and I read out a statement on behalf of JASA.³ It had been compiled with the critical help of Sheila Meintjes, who had worked on a newspaper and was practised in the succinct and dramatic prose demanded by this particular situation. Apart from the lessons learned in those next few days

about organisation and resistance in a police state, writing a punchy hundred-word statement, something rare in the prolix world of the Left, was a skill to cherish and develop.

It was while standing on the steps of the MSLT after that meeting on 12 June with Colin Gardner and John Aitchison that we heard that a national State of Emergency had been declared at midnight.⁴ Later it transpired that all detainees arrested in terms of s.50 of the Internal Security Act had been released and instantly redetained under Emergency regulations. Among the MSLT audience were numbers of seminarians from St Josephs Theological Institute whose charismatic lecturer Theo Kneiffel, soon to be deported, had been taken in.⁵ Rather than disperse on the campus the seminarians decided to march on Loop Street police station, an activity we felt would not last long although the police presence at the university was not that heavy. In the event, they reached Woodburn, about one kilometre away, before the police rounded them up. This was another case of not knowing exactly who was behind bars. However, we were soon to find out: by the end of the day the under-resourced police station at Howick demanded twenty sets of cutlery from the seminary.

Not much work was done at the university that afternoon. On the one hand there was a determination not to let the authorities gain the psychological advantage; on the other there was speculation about who might be on the “B” list, assuming the police had grabbed overnight all those they regarded as their prime targets. In the evening a solidarity meeting was held at the offices of the Pietermaritzburg Agency for Christian

Social Awareness (PACSA) in Berg (now Hoosen Haffejee) Street. In the event it was purely symbolic because the lawyers, who tended to take an over-cautious line in such matters, refused to allow into the building anyone who was not an immediate relative of a detainee. So we stood about on the pavement in the gloom of Maritzburg's streetlights on a cold June night in a demonstration of support while a riot police personnel carrier lingered under the trees further up the road.

For our generation this was the equivalent of the world wars in which our parents and grandparents participated, although we were twenty years older than they had been in 1914 and 1939. It is said that for the ordinary soldier at the front, war consists of long periods of grinding boredom interspersed by chaotic flashes of frightening activity. South Africa in the State of Emergency was a variant of this: long periods when something, but not necessarily anything very dramatic, was happening. This caused perpetual stress. It was a nagging war of nerves that required a particular type of dogged resilience. Colin Gardner made the perceptive comment that life outside jail was as much of a strain as that inside and created problems relating to eating, sleeping and concentration.

The following morning a meeting of a detainees support group was held in the Education block at the university: "a support group" because the Detainees Support Committee (DESCOM) was partly imprisoned and no provision had been made for this. The meeting was well attended, but more a solidarity exercise than of practical value. There was some prescient speculation about when the authorities would clamp down on news about events connected with

the Emergency similar to the behaviour of the Rhodesian government ten years before. It quickly dawned on a number of people that one of the most useful things an academic community caught up in this situation could do was to collect and disseminate information. The particular weakness of a university was soon demonstrated: within a few days most of the people at the meeting had left for a month's holiday. (In the days when Left wingers had participated in whites-only elections it used to be said that the government took careful note of university holidays.)

DESCOM survived not through meetings but the co-ordinated actions of individuals. The link with Amnesty International in London was continued via the University Library's telex machine. Those were the days before the PC was a standard piece of office equipment and years before the advent of e-mail, so a database package called FAMULUS on the university's mainframe computer was used to capture information that filtered through from two major sources – PACSA and the university's Centre for Adult Education. By this time punched cards were obsolete, but runstreams still had to be downloaded from floppy disks. This was a dicey exercise because the printed results could only be generated on the system printer staffed by operators. If you did not collect your output, it could lie about for anyone to see. Often, one had to wait for precious data held up by the output of some number-crunching scientist. It later transpired that the police knew that information about detainees was held on the university's computer and who was involved. A number of users of the Computer Room were pro-government, justifying a time-consuming precaution: a second,

simplified list of detainees without all the accompanying detail was kept on the University Library's computer, which had a text editing facility, a very crude forerunner of today's word processing software. Much of this data had to be typed for a third time on tape for the telex machine. In those days human rights information gathering was hard work and data could not be easily replicated.

The first Monday of the Emergency was the tenth anniversary of the Soweto Uprising, a day that would have been celebrated widely had the government not declared the Emergency. On the Sunday night a fake pamphlet was distributed in Sobantu calling on Congress of South African Trade Unions (COSATU) members to join a Soweto Day stayaway and claim lost earnings from five people in Pietermaritzburg whose addresses were obligingly and precisely given. They were Peter Kerchhoff and Sandy Jocelyn (both in detention), Martin Wittenberg (on the run), Colin Gardner and this writer (both alarmingly available). The pamphlet was on a United Democratic Front (UDF) letterhead giving a Qualbert postal address and read:

The executives of the UDF and COSATU have reached consensus at national level to pay all Comrades who stay away from work without pay.
STAY AWAY! – WE PAY

We will pay R10 to R40 per day, depending on your job and wage. Just bring your payslip and we pay. All UDF and COSATU offices will do pay-outs the whole of today

The following people will have your money ready

COMRADES UNITE – WE WILL
LOOK AFTER YOU!

FORWARD WITH OUR
LIBERATION STRUGGLE FOR

FREEDOM

A certain amount of latitude was exercised with names: P.C. *Kertshhoff*, C. *Merret* and a *Mr S.C. Jocelyn*. We later heard a heartwarming story that reinforced our view that the struggle was non-racial. Young comrades in Sobantu, suspicious of unknown men distributing pamphlets on a dark winter's night, and even more so when they read the contents, moved around collecting the leaflets and making sure they did not get very far.

Bundles of the pamphlets were seen on the Monday morning being thrown from cars in the middle of town. The day was an unofficial holiday for those opposed to apartheid. The streets were remarkably empty but for a large number of Post Office vehicles. Whether this was coincidence, an impression gained by the relative absence of other traffic, or a sign of security force tampering with communications remains unknown. Certainly the dirty tricks had begun. Joan Kerchhoff received a hoax phone call to say that Peter had suffered a heart attack and was in intensive care at Grey's Hospital. He was actually at the New Prison with his fellow detainees, ironically the only people in Pietermaritzburg with the freedom and opportunity to commemorate Soweto Day. Joan saw Peter the following day for about 20 minutes, after which visitors' permits were withdrawn.

The hoax pamphlet was linked to hostile phone calls on the Monday and Tuesday from suitably accented men claiming to be troubled by striking workers who were about to march on our house to collect their missing wages. They were either security branch policemen or sympathetic civilians –

one said he was from Meadow Feed. The result was uneasiness, especially after dark. Advice from David Maughan Brown and John Aitchison, veteran targets of abusive callers, was to keep away from windows and draw the curtains. Thus it was that we put our bed bases up against the bedroom window and the mattresses on the floor, out of the line of fire of anyone taking a shot at the house. We slept like this for over a week. Other precautions included sending letters to my parents overseas via typed addresses unknown to the police. A letter dated 22 June admitted, "We both feel like characters in a novel...maybe one day I'll actually write it."

A sub-plot was unfolding during this period. On the first Friday of the Emergency my wife Pat was visiting PACSA and had agreed to accommodate one of the many people on the run. Boy Ndlela was a UDF organiser from Mpophomeni near Howick who was evading the police and stayed with us for three nights.⁶ He said little and stayed in the spare room reading Pat's copy of Davenport's *History of South Africa*, which he took with him and never returned. On one occasion a car stopped outside our gate and hovered there for some while. On the Saturday afternoon I took him to the University Library where he was able to make some phone calls on the computer room's outside line. We agreed that if stopped by the police he would claim to be the gardener. It was clear that ours was not a safe house in any sense of the word and on the Monday he moved on to the flat at the bottom of Colleen Vietzen's garden in Buckingham Avenue, Scottsville. So ended our experience of housing comrades on the run.

DESCOM meetings carried on at the university, which was thought to be the most secure place in the city. On the Tuesday evening the phone rang. It was Monika Wittenberg to say that the Progressive Federal Party (PFP) member of Parliament for Pietermaritzburg North, Graham McIntosh, had stood up in the House of Assembly and started reading the names of those he thought might be in detention. His question to the deputy minister of law and order was: "Have all these people who have gone missing during the last five days been arrested on charges of public violence?" This was intelligent and well-intentioned, designed to use parliamentary privilege to record in *Hansard* information that the press thought it was prohibited from publishing. Incomplete and inaccurate lists of detainees, including a suspiciously Soviet-sounding Peter Kerchov, had been published by some papers on the previous Friday, but then there was silence under Emergency regulations. The problem with McIntosh's initiative was that he had acquired a copy of the hoax pamphlet and assumed that all the people named had been detained. Two indeed were and Martin Wittenberg was eventually to be, but the others were never detained although their names are recorded for posterity in *Hansard*.⁷ Radley Keys, the PFP's Pietermaritzburg agent, phoned to apologise for the mistake. It was later rumoured that Ray Swart had repeated the inaccurate information in parliament. On 22 June I wrote, "The ban on the free flow of information has had a number of consequences not the least of which is a flood of rumour."

Whether it was because of the parliamentary statement, the pamphlet or the "B" list was never resolved, but

on the morning of Wednesday 18 June at 7.45 am we were visited by the security branch. We were just about to set off for work together when a car drew up and a man and a woman got out. I recognised the man as Lieutenant Jacob von Molendorff, a policeman often visible at anti-apartheid demonstrations; while the woman was carrying a blue Sanlam folder and Pat initially thought that she was selling insurance. We had no option but invite them into the house and sat in the living room, von Molendorff irritatingly occupying my desk. The interview did not last long and was very courteous, consisting of simple questions to which the police must already have had the answers, although it was later said by detainees who had been interrogated that their information was up to a year out of date. Von Molendorff asked to see my passport and wanted to know who owned the house. He also asked for my "home address" and I told him he was sitting in it. It was over quite quickly, but people who heard about the visit assumed that my passport had been confiscated.

At work I tried to see the campus vice-principal, Deneys Schreiner, but was told he was in an urgent meeting with Colin Gardner. Eventually it dawned on someone that my business might be the same as Colin's, as indeed it was; he had been visited at the same time with much the same result, although in his case his passport was not at home and there was a suspicion that someone had tampered with his car. We spent most of the morning with Professor Schreiner and John Milton from the School of Law discussing the possibility that we might be deported. Deneys Schreiner suggested that we disappear for a while over the border into Lesotho until things quietened

down, an idea that was a throwback to the events of the 1960 Emergency when a number of people on the run left the country illegally for the then British Protectorates, Bechuanaland and Swaziland in particular. Apart from the fact that Chief Leabua Jonathan's Lesotho did not sound a very safe destination, we agreed as we walked out of the Administration Building that married men (I was 35 and Colin 51) with homes and jobs did not lightly skip the country for an indeterminate period in a society in which we knew no one.

Professor Schreiner's suggestion did not seem quite so bizarre that evening. Deportation was a serious possibility. Theo Kneiffel, University Chaplain, and Heinz Ernst also from St Josephs Theological Institute together with two other German nationals were about to be expelled, while others like Annika van Gylswyk from Pretoria were to follow.⁸ During these events we had a workman, William Majola, painting the outside of our house. When we arrived home that afternoon, he was hurriedly packing and he told us that two men had visited asking after the occupants. While the visit of the morning had been mildly threatening (they would never have sent a man and a woman to arrest either one of us) two men sounded rather ominous and suggested bad news for me: I remember sitting in the bath feeling totally depressed discussing with Pat the possibility of an enforced flight to London leaving her, Boris our cat, house and job behind. We were due to attend a concert that night and decided to get out of the house as soon as possible and before the return of any unwelcome strangers. We sat with Joan and Graham Lindegger up the road, listening for suspicious vehicles, until it was time to go into town. We later drove

home in a state of nervous tension. All was well, with no sign of visitors, and the mystery of the two men remained forever unresolved. A great deal of what transpired during the Emergency was a result of chance and random events.

The pressure did not, however, let up. At work the following day everyone was surprised to see me. At this stage it was thought wise to leave home with enough warm clothing for a couple of nights in a cell – some people even carried a toothbrush – and we dressed accordingly. It was a time of heightened emotions and lowered inhibitions. Pat came back from PACSA with a story of John Aitchison kissing everyone in the office. And intense sociability was also evident: eating at the University Club was a way of keeping in touch, although not necessarily well fed. This was all the more important because there was a strong sense of polarisation at the university. At the Computer Centre, I overheard someone from the Science faculty express his pleasure that Colin Gardner had been visited by the police and the hope that he would soon be detained. It was this sort of disregard for civil rights and the very freedoms for which a true university must stand that generated considerable bitterness between sections of the academic community.

Deneys Schreiner had reacted to the hoax pamphlet, since it named two students and two members of staff, by complaining to the CID and asking that charges be laid against persons unknown. Late on the Wednesday morning Colin Gardner and I were interviewed separately in the Principal's office by a short, square detective, Major Smit. He put on a good show of taking the matter seriously, but we were alert to the fact that he would have

been briefed by the security branch. The tell-tale question concerned the whereabouts of one of those named on the pamphlet, Martin Wittenberg. It had nothing to do with the investigation and was thrown out casually. In an earlier crisis Martin had stayed with us before being spirited out of town to Howick and then Johannesburg, but on this occasion I was relieved to have not the slightest inkling where he might be. Smit asked me if I had any idea where the pamphlet might have been printed. I suggested that the top floor of the Loop Street police station, which went in for creative writing of this sort, might have some idea, at which he looked suitably shocked. He then volunteered the interesting, but irrelevant, information that it was not printed on the SRC press: clearly the police were well versed in the sources of anti-apartheid literature in Pietermaritzburg.

The student newspaper *Nux* was no great help: at one stage I went down to the Students Union to complain about its inaccurate reporting only to find the offices locked. Not surprisingly, we heard little further about Major Smit's pointless investigation. A letter from Brigadier Kotze dated 6 August made the unsurprising but ironic observation that the complainants had no idea who was trying to discredit them; and concluded, "There is no indication or clue as to who was responsible for the pamphlet and investigation in this direction proved fruitless." A few days later on 27 June the University Principal, Peter Booysen, made a general statement criticising the South African government and its Emergency, and contrasting it with the purpose of an academic institution.

Another pamphlet appeared on the scene within a few days of the

declaration of the Emergency. This one was well written and printed in red, which should have given a clue to its provenance. It was issued by the Ad-Hoc Committee of Democrats and asked readers to take a long view of current events in the context of the "terror of silence" whose implications it spelt out intelligently. It continued, "Let us not forget who is ultimately responsible for cruel hoaxes, bogus pamphlets and persecution," which struck a chord with anti-apartheid activists in Pietermaritzburg; and concluded with a general appeal for democrats to stick together and act. So nervous were people that this pamphlet was seriously thought to be a provocation and a document too hot to handle. A more sanguine view would have recognised it as too well produced to come from the frustrated litterateurs of Loop Street. It was in fact from the group later to be known as the Pietermaritzburg Democratic Association (PDA), an organisation designed primarily for whites identifying with the liberation struggle.

We had a great deal of energy in those days: did the reserves drawn upon have later consequences? One evening there was a Sash meeting at Pat Dunne's house. Fidela Fouché was supposed to be reporting back on a meeting she had attended in Cape Town, but the whole event was a flop because no one was sure what was permitted by way of discourse under the Emergency regulations, an indication of the state of disarray in which we found ourselves. A few years later, still under the Emergency, we had learned to overcome such circumstances but this was a new experience and, for the time being, the State had the upper hand psychologically. In the case of

this particular meeting, there was concern about the presence of a couple of strangers, who turned out to be quite innocent, but might have been police informers.⁹ There was cause to blame lawyers who often fell back on pessimistic semantics to interpret the regulations, rather than looking for politically creative loopholes. The important factor was not what words might mean, but whether the government would find it worth using the regulations at all. We needed astute political, not legal, advice. As far as that Sash meeting was concerned, little was achieved except drinking coffee and eating cake. It was, however, a bizarre period during which one imagined anything might happen. Occasionally it did. Paul Decock from St Josephs phoned to say that three of his colleagues had been held for waving to detained seminarians through the windows of Howick police station. The Emergency was not without its strangely humorous episodes.

Even at this early stage the importance of keeping channels of information open was apparent. The PFP had its critics as a participant in the tricameral parliament and in racially exclusive elections, and this created problems regarding co-operation amongst the Left, but in a crisis it would amply redeem itself. Radley Keys was a stalwart figure throughout the Emergency and initially the PFP was a main agent in collecting information. On Friday 20 June, I rode into town on my motorbike and walked to the PFP offices in Harwin's Arcade with a printout of detainees' names concealed inside my anorak. It felt like real cloak-and-dagger stuff, although no one showed the remotest interest and Radley and I sat quietly in his office swapping information. This probably

happened only twice, the second time being on 14 July: the PFP did not have the right contacts to carry on this sort of monitoring role, which required close links to the townships, and from very early on DESCOM was supplying more names than it was receiving. Its main sources were linked to the Centre for Adult Education.

On Monday 23 June, the Pietermaritzburg Treason Trial ended with the acquittal of the four remaining accused, all trade unionists. The following day PACSA was raided. That week detainees started to be released from Pietermaritzburg prison and police stations. Gaye Spiller came out on Wednesday 25 June and the following day Yusuf Bhamjee supplied DESCOM with information about conditions at Alexandra Road police station where he had been detained in semi-solitary for five days without exercise and on a poor diet. Twice he was interrogated, but there was no physical intimidation and the police seemed concerned to update files that were clearly chronically in arrears. It was also a pleasant and morale-boosting surprise to see Yunus Carrim walking up Golf Road en route to his office and Vis Naidoo in the library. Both Yusuf and Yunus emphasised that the police knew a great deal about individuals on the university campus.

The prevailing atmosphere remained dark and forbidding. On a Saturday evening at the Churchill Theatre there was a performance by the Stellenbosch string ensemble. Monika Wittenberg was there, remarking on the fact that Zwelakhe Sisulu had been abducted in Johannesburg by masked men and fearing that he would never be seen again.¹⁰ This was not far fetched – a period of

disappearances and assassinations had begun – but fortunately she was wrong. Symbolically and significantly, Monika had that evening a son in hiding and a daughter in the orchestra.

After the initial drama, life settled down coupled with a general air of tension and nagging worry. DESCOM meetings became rather depressing affairs once the initial challenge had worn off. I remember one quite clearly in Colin Gardner's office in the Old Arts Block. The university was in the depths of the winter vacation, the students were long gone and members of staff like Marie Dyer were away. John Aitchison might have been as well because I can remember only the two of us present with Leslie Weinberg. I had drafted a letter to the *Guardian Weekly* in England about Peter Kerchhoff's detention in the belief that the South African authorities were vulnerable to publicity. Amongst the details was the fact that Peter had been in solitary for 28 of 40 days of his detention without adequate exercise and with fears about his general well-being. Colin was particularly opposed to my letter because he felt it might jeopardise Peter's position; and I was annoyed that we were sitting around talking rather than taking action. DESCOM remained largely inactive in July, although it met on most Monday nights.

People gradually started, however, to adopt a bolder attitude. At a Sash meeting on 17 July at Fidela Fouché's house I gave an account of the detention situation in the Pietermaritzburg area, so clearly we were more confident by this time about talking in small groups. And we were boosted by the first legal challenges to the Emergency in the Durban and Natal (Pietermaritzburg) Supreme Courts. The case that interested

us most directly was that involving the legality of Peter Kerchhoff's continued detention. It started in the then-new Supreme Court building on 13 July, 31 days after he had been arrested. It was all very unsatisfactory, a mumbling contest ("inaudible and obtuse") between judge and advocate. After a few minutes of incomprehension we were told that the matter had been adjourned for a full sitting of the Bench on Friday 25 July. Von Molendorff's answering affidavit accused Peter of inciting his cellmates not to co-operate with the police. Brigadier Beukes, divisional commander of the local security branch, alleged that Peter had been in contact with the African National Congress (ANC) during a visit to Germany in 1985. The lawyers were fairly confident about the case, but laypeople presciently felt otherwise. The argument was that Peter and other detainees had not been properly arrested and that they had a right to see their lawyers and be taken out of solitary. The problem with the last demand was the possibility that Peter would be moved to Klerksdorp, the nearest prison containing white male detainees, but in the event, and to everyone's surprise, he was moved in with two black detainees at New Prison.

The case's postponement meant that a fair crowd was present on 25 July. The numbers caused problems for the court staff and the usher, Colin Wright, was impressed by the support evident for Peter. It was all very boring and seemed to have little to do with a friend locked up in prison for his political beliefs and social and religious activism. The only memorable exchange was between Advocate Magid and Judge Thirion. They discussed Peter's detention at the start of the Emergency as an analogy involving a

car's ignition. The three judges seemed a miserable lot, hardly likely to further the cause of civil rights except for the encouragingly named Judge Law who looked reasonably engaged. The day's proceedings came to an end at 3.20 pm with judgment reserved and Joan Kerchhoff interviewed on the steps of the Supreme Court.

At this hearing I met for the first time Mark Hay, a newly ordained Roman Catholic priest working with Durban DESCOM. He was stationed at the Inchanga mission and thus in touch with both Pietermaritzburg and Durban affairs. On 1 August, the two groups met at Inchanga, a meeting that felt clandestine although there was no suggestion that anyone but ourselves showed any interest in it. Colin Gardner, John Aitchison and Christine Chapman attended and on the trip down we discussed the formation of a shadow DESCOM in Pietermaritzburg. A significant part of the initial committee had ended up in jail doing involuntary field work and we were not being unduly paranoid in thinking that history might repeat itself. However, no concrete steps were taken in this direction.

Many of the legal challenges to the State of Emergency were made in the Natal courts. A certain amount of temporary relief was given by the Metal and Allied Workers Union (MAWU) ruling of July 1986, which dismembered the regulations on subversive statements and allowed detainees access to their lawyers.¹¹ In September a case brought by Natal Newspapers saw the sweeping powers of the police commissioner significantly curtailed and other regulations were deleted on the grounds that their drastic consequences could not have been foreseen by the legislators who passed

the Public Safety Act back in 1953.¹² It was heartening to find that many of the regulations issued by the authorities under the Act were meaningless, illegal or ineptly drafted.¹³ This epitomised the growing fragility of the State, although it was beginning to place its faith in more muscular methods of control: in early August there were renewed fears and rumours of martial law. Social life was fairly hectic and Saturday evening parties were back in vogue. But it was all very unreal: on 13 August I wrote about “the schizophrenic experience which passes for normal life in South Africa today”.

By early August the issue of the information flow around detentions was taking on contrary dimensions. On Wednesday 6 August I met Richard Steyn, editor of the *Natal Witness*, on behalf of DESCOM to ask if his paper would print the names of Pietermaritzburg detainees. This came a couple of weeks after the *Weekly Mail* started this practice on a national scale, asking for the help of its readers. The *Mail* had been advised that once a family had been informed of the detention of a relative, this information became publishable public knowledge and no longer subject to the sanctions of the Emergency. We felt that comprehensive coverage of the scale of detention at a local level would educate the public about the meaning of a State of Emergency imposed by an authoritarian regime. To my disappointment, Richard Steyn rejected the idea and said that he thought the *Mail* had been provocative. It was this unfortunate divergence in attitude between liberals and radicals that caused so much tension in the late 1980s between individuals who were essentially of like mind.

People were beginning to speak out. On Thursday 7 August, at a well-attended lunchtime meeting in the university's MSLT, two ex-detainees, Sandy Jocelyn and John Jeffrey, spoke in a very open and courageous way about their experiences.¹⁴ By this time it had been worked out that while publication of details of conditions in detention might not be legal, addressing a private meeting was not in breach of the law. The most the authorities could do was to send a contingent from security branch to listen and presumably try to intimidate by their presence. It had no effect and they were embarrassed when a press photographer took their picture.

Judgment in Peter Kerchhoff's case was given on 14 August, two weeks after the hearing. Its outcome was disappointing, yet another instance where the courts chose to interpret the letter of the law rather than involve themselves in issues of human rights. The 50-page judgment made only one concession so a second application based on the Lechesa Tsenoli case in the Durban Supreme Court was withdrawn as the Durban ruling had effectively been overturned.¹⁵ The detainees at New Prison were so optimistic about the outcome that they had been packed and ready to leave. Peter was, however, soon to be allowed a prayer book (after a protest made by Desmond Tutu) and a birthday meeting with Joan. He was later seen by his son-in-law, Tony Oosthuizen, being driven through town, a sighting that caused much excitement and later turned out to have been a banal visit to the dentist.

Elsewhere civil society was becoming bolder and more assertive. A University Assembly was held on Friday 15 August to protest at the Emergency,

and detention without trial in particular. The speakers were Kevin O'Brien, SRC president, and Colin Gardner who highlighted the continued detention of Peter Kerchhoff. The broader issue of freedom of expression was addressed at an evening meeting at the Colenso Hall on 21 August entitled "The right to speak" and addressed by Pierre Cronje (PFP), Paula Hawthorne (End Conscription Campaign, ECC), Fatima Meer (UDF) and Bishop Denis Hurley. It was probably this meeting that was attended by Laurie Nathan of the ECC disguised as a Roman Catholic seminarian from St Josephs Theological Institute at Cedara. The seminarians were there in force to hear the boss. Monika Wittenberg used the occasion to bait security branch officers. They were asked to leave and when they refused were subjected to a round of slow handclapping.

DESCOM held its first tea party on Saturday 23 August. These were very loosely organised affairs designed to bring together relatives of the detained, released detainees and the committee. They were to prove useful information gathering exercises and, when there were resources to distribute, a means of operating more effectively. This first meeting was somewhat lopsided involving six committee members, just four visitors and excessive quantities of oranges and sticky buns, the victim of not entirely surprising poor publicity.

The political continued to collide with the personal and the alarm was sounded on Thursday 28 August. The previous afternoon a policeman had called at home and asked to see me. I was at work. When we discussed the matter in the evening it was not clear whether we were dealing with Smit or Smuts, detective or security branch

policeman. The precise identification would have a major bearing on future events and it took place at breakfast time the following morning when Mike Smuts together with an anonymous lieutenant appeared on our veranda. He wanted access to documents that Peter Kerchhoff had supposedly lodged with me for safekeeping. The roots of this story were obscure, but seem to have originated with someone close to the police who had observed me one Saturday morning in March handing something to Peter in the front garden of his home in Bulwer Street. One occasion I did recall was when I went on my motorbike to give Peter a photocopy of an article from *The New Internationalist*. Von Molendorff subsequently asked Peter what he had given to me on that occasion and let slip that he had been under surveillance since 1972. Some time later, and well before the declaration of the national Emergency, John Aitchison had given to the University Library copies of banned periodicals held at PACSA. Among the titles was *Pro Veritate*, published by the Christian Institute in the 1970s.

There seemed little to gain from obstructing the security branch, especially since they claimed they were acting on information given to them by Peter. It later transpired that they were busy at this stage trying to find evidence of his membership of the ANC. I told Smuts about the periodicals lodged with the University Library and explained that it had an exemption to hold such material for academic purposes subject to various rules about access. I invited him to contact the campus vice-principal if he wished to pursue the matter any further. Pursue it he did, but not with the university authorities. Instead,

Smuts contacted me at work and told me to report to security branch on the top floor of Loop Street police station at 2.00 pm. After spousal advice and insistence that I should not go alone, I contacted Andy Burnett, an attorney with strong ties to the PFP, and asked if he would accompany me that afternoon. He agreed and I phoned Smuts to tell him of this development. Smuts was aggressive: why do you want a lawyer; are you under arrest? I refrained from saying that I was more likely to return home that evening if I had someone like Andy with me; and that if I were detained, access to a lawyer would be slow.

I met Andy Burnett outside the police station and we walked up the stairs. At the top was a large metal door with a bell to ring for admission. We were asked our business and let in, the door clanging shut with an ominous finality. There was a brief conversation with Brigadier Beukes, head of the security branch, before resuming discussions with Warrant Officer Smuts. The precise details are lost to memory, but Smuts was in an angry mood. He ended up shouting at me that I was not prepared to help my friend Peter in jail. I responded that Peter was probably confused and when Smuts indignantly denied this possibility I told him that anyone would be after being locked up for two months in close proximity to people like him. Smuts looked explosive; Andy worried. He managed to defuse the situation by suggesting a discussion with Beukes and without my presence. So I was left on my own for about a quarter of an hour.

When Andy returned it was to announce that he had made a deal. I was to return with him to his office nearby and make a sworn statement in

response to a list of questions. Smuts glowered at us as we left and I was relieved to be at large and again on the right side of the metal door. We walked to Andy's nearby office making impolite conversation about the security branch. My statement, certified by Steven Maritz, read:

1

During or about August 1985 I received a plastic packet containing certain documents. This packet was handed to me at my office at the University of Natal Library, Pietermaritzburg, without prior warning or discussion, by Mr John Aitchison. He told me that the documents came from PACSA and that they were being given to the Library by PACSA. I acknowledge that the idea to give them to the Library could well have originated from Mr Peter Kerchoff [*sic*], the PACSA Organiser.

2

I made it clear to Mr Aitchison that these documents would be considered a donation to the Library and that the Library reserved the right to keep them in perpetuity or dispose of them as it saw fit. These documents, except for those we threw away, are now the property of the University.

3

No list was made of the contents at the time as it is not our policy to do so, but I do recall that there were some issues of PRO VERITATE. We discarded those issues we already had in the Library and took into stock those issues missing from our collection. I cannot remember the specific names of any of the other items, although I have been asked to do so.

4

I have also been asked whether I can categorically deny that Mr Peter Kerchhoff in person handed me these documents for safekeeping. I hereby categorically deny that.¹⁶

This was the last heard about the matter and the police never did bother to examine the contents of the library's banned

book cupboard. Nor did anyone else. At least two visits were made by officials of the Publications Control Board during the 1980s and they made a point of not asking to look inside the cupboard.

The day after my security branch encounter I saw attorney Les Weinberg just before and after he visited Peter Kerchhoff. It turned out that the police were still obsessed with documents even though a psychologist was of the opinion that Peter was suffering from stress-related amnesia leading to memory lapses and confusion. Some of the police apparently found this idea amusing.

DESCOM work carried on in low-key fashion, collecting information and disbursing aid to families. We were acutely aware of the need for security and kept the group small and tight. Our greatest alarm concerned Stephanie Miller from Durban, who seemed suspiciously over-anxious to obtain lists of Pietermaritzburg detainees. I was told to stall her because of doubts about her background and rumours of a relationship with a policeman. She did not last much longer with the Durban group.

On 16 September, we heard that Peter Kerchhoff and A.S. Chetty, a veteran of the Natal Indian Congress, had been released at 5.00 pm. On the evening of the following day Peter paid a visit, looking thinner and older. With Peter's release after 94 days we were able to fill many gaps in our knowledge of who was (or had been) in detention and the conditions at New Prison. Detainees were still being held in police cells, some at considerable distances from Pietermaritzburg, and their details were not so easy to ascertain. On 25 September, Joan and Graham Lindegger held a party to celebrate Peter's release.

Graham made a speech in which he mentioned what he considered to be the funniest remark of the Emergency: Pat's description of Pessa and Leslie Weinberg as the "best Christians in Pietermaritzburg".

With the release of high-profile detainees, DESCOM activities started gathering momentum. Political meetings were in full spate, one sequence concerning the setting up of a news agency. On Saturday 27 September, there was another DESCOM tea party attracting nine people. This party, and a subsequent one, resulted in the disposal of no fewer than 100 Chelsea buns. Another initiative was that of the PDA. But in spite of a certain amount of relaxation there were constant rumours of a further crackdown and fears that PACSA would be declared an affected organisation, unable to receive outside funding.

Matters began to deteriorate again in December with the detention of ECC activists in Cape Town and Johannesburg and the serving of a deportation order on Phil Bonner, a lecturer at Wits University with a radical reputation and British citizenship. On 10 December an International Human Rights Day meeting was held in Pietermaritzburg with six speakers and seven security branch observers with a few more outside. A prominent campaign was "Free the Children" and T-shirts were on sale. The day afterwards there was a joint DESCOM meeting at Koinonia, Botha's Hill. It was typical of its time, enveloped in inefficiency that was passed off as security: in other words, if we were incompetent about the arrangements the police would be confused. For a short while we genuinely feared that the missing Durban participants had been arrested.

New regulations introduced that same day concerning press restrictions provided more cause for worry and the expectation that further detentions and bannings were in the offing. John Aitchison felt they were particularly significant for the white Left as quite clearly the government was unable to control black South Africans. His forecast was perceptive as the next day Jo Beall, the JASA secretary and a lecturer in African Studies on the Durban campus of the University of Natal, was detained. However, such was the confusion of the times that on Saturday 13 December, the ECC had a table in town from which they were selling T-shirts and handing out balloons. There was a theory at the time that the government trod softly around the ECC as it was wary of upsetting the parents of anti-conscription activists.

December provided a reason for civil disobedience with the Christmas Against the Emergency campaign that was inevitably declared illegal. Its most effective gesture was a blackout with a candle in the window from 7.00 to 9.00 pm on the Day of the Vow, 16 December. In Sobantu and Imbali participation was said to be as high as 80%. This symbolism was also linked to a campaign to play down the festive aspects of Christmas. Four days later, restrictions were placed on a number of newspapers around the campaign; on top of general press restrictions gazetted a week earlier that seemed to place the work of DESCOMS under even more control. On Christmas Eve households burned another candle to mark the end of the campaign: ironically on the night of Christmas Day itself there was a power failure. Out came the candles again.

People behave in unpredictable ways in the face of authoritarianism. Quite clearly many of the previously uninvolved were moved to attend a protest meeting for the first time and there was an air of buoyant defiance that augured well for the struggle ahead. It was appreciated that this was not going to be short, although probably few realised that the aggression of the State was indicative of its fragility. One of the weak links in Left-wing analysis at the time was a lack of information or understanding of thinking in government circles. What is now known is that the more the mailed fist was extracted from the velvet glove the shakier became the foundations of the security state, and through it apartheid.¹⁷ It was analogous to the walls of supposed granite Vaclav Havel described in Czechoslovakia that eventually degenerated into a cardboard film set.¹⁸ When just that happened in South Africa in 1989 it appeared to be a sudden phenomenon, but it had been in the making for some years, particularly those of the Emergency.

It is not easy to put into historical perspective intense and personally emotional experiences. But they can be dissected in such a way as to identify the positive and the negative. The circumstances of the 1986 Emergency tested individuals to the limit and brought out the best in many people: the circumstances threw up some remarkable characters. There was a climate of solidarity, commitment and purpose never experienced before by those involved. The disappointment came in the early 1990s with the realisation that this would not long survive changed circumstances. There can be no argument, however, that the anti-apartheid struggle was on the right side of one of the great moral causes

of the twentieth century. The reward, it may be argued, was a constitution that can be considered among the world's best.

Parts of the University of Natal thrived in the circumstances. JASA was affiliated to the UDF, but there was a general sense that it was the duty of academics to engage in research and writing connected with the human rights situation. The catchphrase of the time held that academic responsibility was an essential accompaniment to the better-known concept of academic freedom. University members took part in a wide variety of research connected with the crisis. For example, monitoring of strikes and stayaways and of regional violence was to become a regular activity.

On the debit side there was considerable naivete about some supposed allies. Some of the organisations with which DESCOM worked were genuinely democratic at that time, although it was palpably true that the promotion of human rights was not necessarily best served by the long, drawn-out methods of South African democracy. Another deficiency was a failure to give much thought to the shape of South African politics and society after the collapse of apartheid. It was possibly one of the enduring triumphs of the apartheid regime that it tied down vast numbers of people in a struggle that was for the authorities ultimately unwinnable. By the time change occurred those people were worn out and unable to make the sort of contribution needed by a new democracy. This may in part explain why South Africa's later rulers have sometimes been allowed to behave in ways not dissimilar to those of their predecessors.

NOTES

- 1 The Internal Security Act of 1983 provided for four types of detention without trial: s.29 (interrogation), s.30 (long-term preventive), s.31 (state witnesses) and s.50 (short-term preventive). See Max Coleman (ed.), *A Crime Against Humanity: Analysing the Repression of the Apartheid State* (Johannesburg, Human Rights Committee, 1998) pp. 28–37.
- 2 Quotations in this article are taken from letters sent by the writer to his parents in England.
- 3 It read: "The Executive Committee of JASA... deplores and condemns the detention early this morning of a number of Pietermaritzburg citizens under section 50 of the Internal Security Act. The detainees include students and staff of this university, two of whom, Yunus Carrim and Yusuf Bhamjee, are members of our Association. We express our solidarity with all those detained, patriotic South Africans actively committed to the attainment of justice, peace and democracy in our land. Although they are detained, victims of a totalitarian regime which harasses and terrifies innocent people in the depths of the night, we and they know that the struggle for freedom will continue. We demand the release of our colleagues and all detainees and political prisoners."
- 4 Proclamation R108, *Government Gazette* 10279, 12 June 1986, supported by a proclamation (R 109) outlining regulations and a Government Notice (1196) listing rules; both of the same date.
- 5 Theo Kneiffel had been involved in setting up trade unions in Namibia and was the university's Roman Catholic chaplain. He was deported on 17 June 1986.
- 6 Boy Ndlela was secretary of the UDF in Mpophomeni and chairperson of the local youth organisation. He was eventually detained while travelling to Imbali on a minibus on 16 September 1986 and assaulted at Alexandra Road police station. Amongst other injuries his hearing was impaired and a successful urgent restraining order was brought to the Natal Supreme Court on 18 September (see Claire Frost, "Police ordered not to assault detainee", *Natal Witness*, 19 September 1986). He was finally released on 11 June 1987 when the Emergency expired, although he was subsequently killed during the violence at Mpophomeni.
- 7 *Debates of the House of Assembly*, 17 June 1986, pp. 2270–2271. By this time Peter Kerchhoff had mutated into Kertshoff.
- 8 Brother Heinz Ernst and a visitor to St Josephs,

- Walter Hattig, both German, were deported on 17 June 1986.
- 9 For further details of this meeting as recalled by Paula Krynauw see Mary Kleinenberg and Christopher Merrett, *Standing on Street Corners: A History of the Natal Midlands Region of the Black Sash* (Pietermaritzburg, Natal Society Foundation, 2015) pp. 103–104.
 - 10 Zwelakhe Sisulu was the editor of *New Nation*, a leading anti-apartheid newspaper produced in Johannesburg.
 - 11 *Race Relations Survey* 1986, part 2, p. 834. The judges involved were J.M. Didcott, M.E. Kumleben and P.W. Thirion.
 - 12 *Race Relations Survey* 1986, part 2, pp. 833, 835.
 - 13 For the role of the courts see Nicholas Haysom and Steven Kahanovitz, “Courts and the State of Emergency”, *South African Review* 4, 1987, pp. 187–198.
 - 14 Sandy Jocelyn’s detention experiences are amplified in Christopher Merrett, “A time of extraordinary events”, *Witness*, 12 June 2008, together with those of Lyov Hassim and Dennis Dickson. All three were detained for relatively short periods at the beginning of the Emergency.
 - 15 Lechesa Tsenoli is the deputy House of Assembly speaker in the parliament of 2014–2019.
 - 16 This statement contains several inaccuracies and evasions designed to pre-empt further Security Branch questions.
 - 17 While these events were unfolding, government representatives were already preparing to talk to the African National Congress (see, for instance, Richard Rosenthal, *Mission Improbable: A Piece of the South African Story* (Cape Town, David Philip, 1998)).
 - 18 Vaclav Havel, *The Power of the Powerless: Citizens Against the State in Central-Eastern Europe* (Armonk, NY, Sharpe, 1985) p. 31. The granite analogy is apposite. In January 1961 prime minister Hendrik Verwoerd had made a speech stating that in the face of international opprobrium South Africa would need to be “as unyielding as walls of granite” (Roger Lipsey, *Hammar skjöld: A Life* (Ann Arbor, University of Michigan Press, 2013), p. 471).