

**SAVE
ROBERT
MCBRIDE**



**NO APARTHEID
EXECUTIONS**

SAVE ROBERT MCBRIDE

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PREFACE

Since 1985 the apartheid regime has sharply increased the number of death sentences passed on its political opponents. By June 1988 there were at least 60 people on Death Row after being convicted in trials arising out of political protest. Those awaiting execution include trade unionists, two women and a school pupil as well as Robert John McBride, a young member of the African National Congress.

The case of Robert McBride, who was convicted of murder and sentenced to death in April 1987, graphically illustrates the unfolding tragedy in South Africa. He was charged with setting off a bomb in Durban on 14 June 1986 – just two days after a nationwide State of Emergency was declared in South Africa. This ushered in one of the most severe periods of repression in South Africa's history. During the State of Emergency, which is still in force, hundreds of people have been killed by apartheid's police and army and some 30,000 detained without trial.

The root cause of the violence in South Africa is apartheid itself which has been condemned worldwide and defined by the United Nations as a crime against humanity. The international community has challenged the legitimacy of the South African regime and must do everything possible to ensure an end to its use of the ultimate penalty, execution, against its opponents.

The trial of the Sharpeville Six, which has received world-wide attention, exposed the biased nature of the South African legal system and its vital role in maintaining apartheid. It is the same system – and in particular its reliance on evidence coerced out of witnesses being held in police custody – which has condemned McBride. No opponent of apartheid can receive a fair trial in South Africa's courts.

Pressure from outside the country is especially important as in February this year the regime banned the main organisation campaigning against the death penalty – the South African Youth Congress. At the same time the country's largest trade union federation, the Congress of South African Trade Unions, was prohibited from participating in the campaign.

The only hope of saving Robert McBride from the gallows is a massive international campaign demanding that President Botha grant clemency to him. Previous campaigns in the 1980's have succeeded in obtaining reprieves for at least seven other ANC members. Protests now must come from individuals, organisations and governments the world over to ensure that McBride's life too is saved.

GEOFFREY BINDMAN, member of the International Commission of Jurists mission to South Africa, February 1987, and editor of its subsequent report.

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SAVE ROBERT MCBRIDE

Robert John McBride was sentenced to death in the Pietermaritzburg Supreme Court on 13 April 1987 after being convicted of murder for his part in causing a car bomb explosion in Durban in June 1986 which killed three people. The bomb was planted in protest at the State of Emergency imposed throughout South Africa two days previously.

South Africa has no jury system: McBride was tried by Justice Douglas Shearer, sitting with two assessors to assist him in his decision. Under South African law the death sentence is mandatory for those convicted of murder without extenuating circumstances. In McBride's case, however, the court disagreed over whether there were circumstances mitigating his culpability. The judge and one assessor found there were no extenuating circumstances - the other assessor filed a dissenting minority report. The majority view prevailed and he was sentenced to death.

In March 1988 an appeal by McBride was dismissed by the Bloemfontein Appeal Court. After the rejection of the appeal, McBride's lawyers prepared a petition for clemency and submitted it to State President Botha in June. This is the last measure left to them in their attempt to save his life.

MCBRIDE'S BACKGROUND

Robert McBride is the only son in a family with two other children - his sisters Bronwyn and Gwynneth. The family had lived in the same house in Wentworth (also known as Austerville) for all his life. His parents, Derrick and Doris McBride, met as teachers but only Doris remained in the profession, teaching remedial classes. Derrick McBride became a welder with his own engineering business and shop. Like many families in Wentworth, life for the McBrides was one of struggle - to retain their dignity in the face of apartheid's attempts to dehumanise them. A newspaper report on Wentworth in 1987 remarked on the contrast between the 'squeaky clean and lovingly furnished' insides of the homes and the outside: 'open storm-water drains - a death-trap for toddlers' plus dusty streets strewn with building rubble and rubbish.



Robert McBride's mother with his nephew Robert-Derrick. The baby's mother, Bronwyn McBride, was detained in 1987.

Wentworth, formerly a military barracks, was used as a dumping ground for people forced out of the Durban city centre by the Group Areas Act. It was proclaimed a Coloured Group Area in 1963, the year of Robert McBride's birth. Some 11 kilometres south east of the city it borders the Jacobs industrial area and the Mobil oil refinery. Its 212 hectares house some 50-60,000 people in an overcrowded, heavily polluted environment. In addition to Durban's Coloured population, some 40 per cent of whom live in Wentworth, there are other refugees who fled from Group Areas regulations in Cato Manor, Mayville and from the area now known as the Transkei bantustan. Temporary transit camps, consisting of asbestos-roofed one-bedroomed units, have housed entire families for twenty years or more. The twin problems of over-crowding and unemployment underlie all other concerns in Wentworth - neither is soluble within the constraints of apartheid.

Wentworth's problems were summed up in a letter to the *Daily News* in August 1985 by McBride's co-accused at his trial, Greta Apelgren:

The Austerville Residents Action Association is a self-help organisation formed by residents in January. For the past six months we have been completing a survey of the social needs of Austerville.

From the results it is evident that the residents are experiencing tremendous difficulties obtaining accommodation and are being charged rents which some cannot afford. The most depressing situations are those of gross overcrowding, where two or more families are sharing one house or flat, resulting in kitchens and lounges becoming bedrooms as well.

There are needs of employment, control of gang violence and crime, the provision of more and better-equipped schools and more and improved recreational facilities. The majority of residents stated that there was a great need for a local self-help residents' association in Austerville (81 per cent); and that 'immediate community action' was needed to resolve the social problems.

Doris McBride said of Wentworth in 1987:

The people are not involved in high-brow politics, they are interested in daily problems.

FAMILY HISTORY

Little is known of Doris McBride's early political development although since Robert's death sentence she has been in the forefront of the campaign against executions. Derrick McBride was politically active in the 1940s and 50s and attended the 1955 Congress of the People at Kliptown when the Freedom Charter was adopted by the Congress Alliance. Together they raised Robert as a credit to the community – he won a university place in spite of extreme educational disadvantage and he was known for his serious behaviour – he didn't drink or smoke and remained uncorrupted by the world of drugs and gangsters which had unfortunately taken root amongst Wentworth's deprived population. He commented thus on the situation:

Something that I really hate is how cheaply a black life is regarded in this country. I feel a life is precious but even we blacks have reached a stage when we have a tendency to adopt this attitude: 'How many people died this weekend'.

Robert's personal history, as every black South African's, contained examples of police brutality and institutionalised racism. In court it was said that 'the McBride history is full of police harassment'. Rejection by individuals amongst the ruling white minority may have tasted that much more bitter with the knowledge that his maternal grandfather was a member of this elite and an uncle, his father's brother, was actually classified as 'white'. In an interview Doris McBride recalled something of what it meant for children to be classified Coloured:

Mothers have to explain to toddlers they cannot play on the swings because they are for white children only. Then you send them to dilapidated schools where they have to sit on apple boxes and have to beg for desks, books and equipment, while white schools have swimming pools. This creates resentment that is difficult to defuse in later life.

While attending school in Kimberley in 1976 Robert participated in a boycott in support of students in Soweto. It was broken up by police using teargas and batons. He completed his education in Wentworth and in 1981 was accepted to study engineering at the University of Natal. His short period here was an unhappy time – he rebelled against the African consciousness of his home and attempted to find acceptance among his white fellow students. This was met with inevitable rejection and he later enrolled at Bechet Teacher Training College. As in his school days he was again struggling against inferior facilities but he had re-established his dignity. Bechet TTC had been awaiting a permanent site for some 30 years and McBride was active late in 1985 in organising a lecture boycott in support of this demand. Along with the other members of the Students Representative Council he was suspended and the SRC banned by order of the segregated (Coloured) House of Representatives. He only succeeded in writing his finals after an application through the courts.

COLLEGE BOYCOTT

The boycott followed a protest march and memorandum to the regional director of the Department of Education and Culture in the House of Representatives which had elicited no response. As well as inadequate facilities on the site (once a white secondary school) the students criticised the hostel which could accommodate only 48 students out of a student body of more than three hundred. Resentment was stoked by the knowledge that the equivalent facility for whites, Edgewood College, was half-empty.

Student protest intensified in November with the decision not to write final exams. Bechet took this step alongside 13 other colleges co-ordinated by the National Tertiary Institutions Student Organisation (NTISO). The relevant Minister of Education called in armed guards to patrol the premises and threatened the boycotting students with a list of penalties if they did not write – including losing all the 'credits' obtained over their years of study at Bechet, as well as being made to repay bursaries. The students acted with the support of their parents one of whom, Derrick McBride, made the following prophetic statement to a Sunday newspaper:

The situation could have been defused quite easily. So many pupils are going to be prejudiced if they do not write and there will be thousands of very frustrated students. People in that situation are going to be prey to other organisations of a military nature. It's like taking away their pens and giving them AK 47s.

As the protest continued the local and national issues fused. Although student leaders initially felt obliged to give solidarity to fellow students in the Western Cape, some of whom had given their lives in the education struggle, the SRC president was quoted as saying:

It started off in solidarity with the rest of the country but now our stance against exams is because of the atmosphere right here on our own campus.

The failure of official channels to get any change is illustrated by this exchange in the House of Representatives in August 1987:

Mr T Abrahams [Member for Wentworth] asked the Minister of Education and Culture:

Whether he has received any complaints and/or representations regarding the accommodation facilities of the Bechet Teacher Training College in Durban; if so, (a) when, (b) from whom, (c) what was the (i) purport of these complaints and/or representations and (ii) response thereto . . .

The Minister of Education and Culture:

Representations/complaints were received on a continuous basis from the college advisory council, the local member of Parliament and others in connection with the unsuitability of the present college and the possibility of acquiring another site for the erection of new college buildings.

The Department gave notice that the matter was receiving priority attention. The latest developments are set out in the addendum to my Appropriation Bill Speech of 31 July 1987 - i.e. that a site for the erection of a new teachers' college in Durban has been identified in Part Sherwood and that the particular area is in the process of deproclamation . . .

Mr T Abrahams:

Mr Chairman, I wish to pose a question arising out of the reply. I would like to know what progress has been made with the actual deproclamation. The answer received is the same as the answer I received last year and the year before . . .

Another event which made a deep impression on McBride in this period was the killing of three youngsters in Cape Town in what became known as the Trojan Horse incident. Police hid in packing cases on a lorry to ambush alleged stone throwers - innocent children were their victims. Television pictures beamed round the world alerted the international community to this brutality - the kind of news reporting that would not be possible after the 1986 State of Emergency.

By this time, December 1985 - January 1986, and in frustration at the failure of the boycott, McBride had decided to step up his commitment to change in South Africa. In his own words:

Well since we were suspended and banned, after dealing with the issue at Bechet in a peaceful legal manner. . . we were suspended and so, I decided that it can't work.

He was recruited into the ANC by a fellow student, Gordon Webster. Between December 1985 and his detention in July 1986, Robert McBride carried out a number of armed actions on behalf of the ANC. In accordance with ANC policy they were aimed at strategic targets, such as electricity sub-stations, and he was careful to avoid civilian casualties. They were principally actions of armed propaganda, designed to show that the ANC was able to withstand government repression. In addition he was aware that sometimes violent action was the only means of effecting change. He commented in this way on the effects of an arson attack on a school: 'subsequent to the burning of the school they have started building a new school which is almost complete now. A school which could compare with our White counterparts.'

THE CHARGES

Robert McBride was detained in July 1986 and first appeared in court in November alongside his girlfriend Greta Apelgren, a 30-year old social worker. The two faced 24 charges including murder, attempted murder and 'terrorism'. The most serious charges concerned two actions carried out in May and June 1986: one, the rescue from hospital of a wounded fellow combatant, and the second, a bombing at Marine Parade, Durban, which killed three women.

In early 1986 both McBride and Webster were operating ANC cells in the Durban area. The first police break against the unit came in April with the killing of one member, Bheki Ngubane, and the capture of Gordon Webster. Webster was severely wounded by police at the time of his arrest and held under police guard in Edendale hospital. McBride hatched a daring - and successful - plan to free him from custody.

The principal protagonists in the plan were McBride and his father who entered the hospital, armed and in disguise, removed Webster from his bed in the intensive care unit and escorted him to safety. Evidence elicited from witnesses at McBride's trial showed that this action, described in a paper at the time as a 'movie-style raid', was a popular one. Nursing staff and on-lookers clapped and cheered as Webster's trolley was wheeled out of the hospital. Two policemen were slightly injured in the operation and a security guard who was visiting them was killed. McBride faced a charge of murder in connection with the death as well as four charges of attempted murder - two for the policemen's injuries and two arising from injuries to two civilians in the hospital at the time. McBride was acquitted of all of these charges, only being convicted on two charges of assaulting the police with intent to do grievous bodily harm. The court found it was possible that Webster, to whom McBride had given his weapon while he manoeuvred the trolley, could have shot the people concerned.

Justice Shearer substantially accepted McBride's account of events. He described how he had planned the operation to take place outside visiting hours and arranged a diversion which would draw police away and avoid confrontation. When he and his father entered the hospital and discovered visitors still in the vicinity of the ward he wanted to abandon the plan. However, an armed policeman came towards him threateningly, and he fired. It was accepted by the court that McBride only shot at the police in order to prevent them thwarting the rescue - had he wished he had the opportunity to kill them, but had not done so. Webster was taken to a waiting car and after recuperation, was driven out of the country by McBride and Apelgren. Webster himself testified at the trial, giving evidence on commission in London.

STATE OF EMERGENCY

Robert McBride quickly became known in the South African press as the 'Magoon's Bar' bomber – that being the name of one of the bars in the restaurant complex on Marine Parade, where a car bomb exploded on 14 June 1986. McBride's sister Bronwyn expressed the family's upset that this one act, described by his lawyers as being 'out of character', should dominate all reporting about him:

Robert is an extremely sensitive, intelligent young man who is being portrayed as a hardened killer. He would not have been on Death Row if apartheid did not exist.

It is easy to see why the media adopted the term and yet the very publicity afforded the car bomb which killed three women in Marine Parade on 14 June 1986 was proof of the generalised media clampdown McBride was protesting against. The press was prevented from covering events in black areas but a bomb explosion in central Durban could not be hidden.

In the eyes of the world's media, June 12 1986 marked a qualitative change in their ability to report with any degree of accuracy on events in South Africa. For almost two years, since the uprising in the Vaal Triangle, international news teams had focussed on apartheid's black townships. Even the partial State of Emergency imposed between June 1985 and March 1986 had not succeeded in sealing off black protest from the world's inquisitive eyes. But as of midnight on 12 June 1986 a nationwide State of Emergency blanketed the country. The 1985 regulations, previously operative in – at most – 38 magisterial districts, now reached into every town and hamlet, up to every border and boundary. But there was more – new regulations, many of them likely to interfere with the flow of information about opposition activities, caused outrage round the world. The headlines said it all – 'Unlimited Crackdown' (*Daily Telegraph*); 'Outcry over government moves' (*Sowetan*); 'Rule of the big stick' (*Weekly Mail*); 'Botha clamps down on political dissent' (*Guardian*); 'World outraged . . .' (*Sunday Star*)

Two years on, the world has grown comfortable in its ignorance – it is now difficult to recreate the deafening silence of 12 June 1986 and the frantic efforts made to pierce it. It was 12 hours before any government official would confirm that an Emergency had been declared – apparently to give the regime's armed forces an element of surprise as they swept the country overnight, picking up its opponents. On that day alone at least one thousand people were detained – although such was the media clampdown that totals of between one and three thousand were being estimated. Newspapers were forbidden to publish the names of any detainees except those issued by the police, so they could only hint at the scale of the operation.

Journalists were so frustrated by their inability to pursue their profession it almost seemed as if the State of Emergency was aimed at them. For the real targets, South Africa's oppressed black majority, 12 June marked a new level in the degree of repression they faced, a new

attempt by apartheid to smash their organisations, remove the leadership and terrorise their supporters.

McBride described the State of Emergency in this way:

To me this was a blatant declaration of war on Wentworth residents . . . and on the Black population in the country as a whole. The State had now declared war on our people.

There was no shortage of condemnation for President Botha's action. The Federated Chamber of Industries (FCI) stated that it 'strongly disapproves of the declaration of a State of Emergency and the detention of further trade union and community leaders . . . The total security clampdown will inevitably project South Africa into black-white confrontation . . .' Helen Suzman MP said the measures amounted to 'a total elimination of civil liberties'. The leader of the Progressive Federal Party said 'South Africa had overnight virtually become a police state'. An ad hoc poll conducted by the evening *Star* elicited this comment from an unnamed Johannesburg resident: 'They [the government] want a war and they're doing it subtly to make it look like the people want the war. It's now official that this is a fascist country.'

One of the few men out of step with world condemnation and willing to express understanding, if not outright support, for President Botha was Allan Hendrickse, leader of the (Coloured) Labour Party, once popular in Wentworth but totally discredited since 1984 by its participation in the segregated three-chamber parliamentary system. The 1983 constitution aimed to split opposition to the government by offering certain concessions to those classified by apartheid as Indian or Coloured, rather than Black. The concessions, such as giving Cabinet status but no power to Hendrickse, were soundly rejected by the vast majority of those affected. Now Hendrickse, long divorced from the views of those he was supposed to represent, described the emergency as 'necessary' and 'inevitable'. On the basis of 'information he claimed to have received' he predicted it would last 'about 60 days'. Wentworth residents had little reason to trust the President's new constitution, or to ally themselves with Hendrickse in view of the fact that their own deplorable living conditions were a direct result of the apartheid system. Two years later the State of Emergency remains.

Initial reports from Durban said that Natal was one area particularly shocked by the clampdown, because it had escaped the earlier emergency. Mass detentions took place not just of known political activists but of the local leadership of small and previously unremarkable community organisations.

By 13 June 1986, Robert McBride had heard at first hand about the police operations of the day before. His girlfriend's sister, Jeanette Apelgren, a social worker involved with the Wentworth Improvement Project, had been arrested at gunpoint. Every organisation was under threat – political and non-political, cultural, religious and social. Jeanette's brother, Eric, was also in custody. McBride began to brood on what was happening in the country and how he could respond to the government's latest attack.

By Saturday nothing had eased up – if anything, things were worse. Monday was the tenth anniversary of the Soweto school protests and the authorities were determined to allow little commemoration of the date. Roadblocks manned by heavily armed police and troops sealed off all Durban's black townships. All vehicles heading for the city were searched, as were many of their occupants.

And yet, for all their war preparations, the armed forces were unable to prevent at least one act of protest against the State of Emergency. At 9.50 pm a car bomb exploded on Marine Parade, Durban. In McBride's own words at his subsequent trial:

It was a form of violent protest, m'Lord . . . it was just against the State of Emergency and what it involved . . . I intended to draw attention, to show that this violent protest action was as a result of the State of Emergency . . .

First I had seen the upheaval in the whole community, everything was disrupted, and this I saw as a calculated form of repression against our people. I mean it's the only country in the world where the State declares war on its own citizens, and that's the way I saw it and it angered me. It enraged me and as a member of the ANC and Umkhonto we Sizwe, we are the vanguard of the people in the struggle. We have to do something about it. This declaration of war on our people, I had to do something about it . . .

I had intended doing something major that could not be covered up by the State of Emergency . . . I decided to make a car-bomb.

The three women killed on Marine Parade were not the only casualties of 14 June 1986. Indeed in the early days of the emergency a number of journalists noted that the death toll was rising, even as the authorities were adamant that 'unrest' was abating. Most of these deaths went unremarked – black victims of police violence, their killers protected by State of Emergency immunity. On Monday 16 June, for instance, a nine-year-old boy was listed as a fatal casualty in Durban's black township of KwaMashu. Reports described his 'provocation' as having been out on the streets when everyone else except the 'security' forces was indoors, out of harm's way.

MCBRIDE'S TRIAL

The trial of McBride and Apelgren commenced in February 1987 in the Pietermaritzburg Supreme Court. It soon became clear that the state's case relied on the evidence of former accomplices of McBride's who

were being held in police custody. The most controversial of these was Mr C who had participated in the rescue of Gordon Webster and had actually chosen the target for the Marine Parade car bomb, before planting it jointly with McBride. South African political trials have come under severe criticism in international legal circles because of their reliance on tainted evidence provided by witnesses who have been held in solitary confinement, often physically as well as mentally tortured and entirely at the mercy of their captors. Deprived of outside contact and independent legal advice they are variously cajoled or coerced, by promises or threats, into providing 'satisfactory' evidence. McBride's lawyer said the accomplices would be tempted to implicate the accused and extricate themselves from possible retribution. In the case of Mr C the threat was clear and explicit - he gave evidence to avoid being hanged.

The evidence of Mr C was vital in the state's attempt to portray McBride as a cold-blooded murderer. However, in this they failed. Furthermore, in cases where the evidence of the accomplice clashed with McBride's the court consistently accepted McBride's version of events. Although unnamed in the court, Mr C's identity was widely known in the community. Doris McBride told reporters that she had taught him and he was later identified in a news report as Matthew Lecordier. Accomplices are normally granted immunity from prosecution if their evidence is satisfactory but, very unusually, Justice Shearer withheld this from Lecordier. Concern over Lecordier's role mounted when it was revealed that he had argued with McBride over the choice of target for the car bomb. Eventually Lecordier's view prevailed. McBride's chosen target was a 'hyperama' on West Street: it was centrally situated and was built almost entirely of plate-glass so 'the explosion and its effects could not be hidden away.' The shop was shut by then and although it is possible that the blast might have injured or even killed a passer-by the chances were much less than at Marine Parade, where the car was parked opposite a crowded restaurant complex. The court accepted that responsibility for the very choice of target lay not with McBride but with his accomplice who was now bargaining for his life.

A total of four witnesses were due to give evidence without being named but one of them, Apelgren's sister Jeanette, eventually testified openly. While in detention she had been admitted to hospital suffering from depression and hallucinations. Her evidence implicated McBride in the planting of explosives at a Durban car park in May, an action he admitted in court. McBride's evidence relating to this action, which seems to have been accepted by the judge, indicates his thinking and his methods. He placed them to publicise the ANC at a time when the Eminent Persons Group was visiting South Africa and a cabinet minister had dismissed the ANC as 'the most unsuccessful terrorist organisation'. In his words:

I wanted to show that the ANC could penetrate anywhere.

In order to attract police and media interest he assembled the device – without a detonator so it could not explode – out of bombs and a hand grenade, a new combination. Again, in his words:

Whenever something new is used they get excited. When limpet mines were first used in the country, the fact was publicised on TV. When a rocket launcher was used at the Voortrekker Monument, the police made quite a fuss about it and it was published in a book called Communism in South Africa.

After his evidence McBride was acquitted on a charge of 'terrorism' arising from this action and convicted on a lesser charge under the Internal Security Act.

McBride's own evidence was the cornerstone of his defence. He was articulate and sincere in his replies under cross-examination and defended his convictions at all times. He outlined his political development and his steps towards adopting armed struggle as a means of pressurising the government to negotiate with the majority. His experience as a person classified Coloured by apartheid led him to believe:

Racialism, m'Lord, that is the enemy and must be destroyed. You can't negotiate with racialism

He took pride in his organisation, the ANC, in its strength and vitality. But McBride's own discipline had failed. His pride at being a member of a Special Operations Unit was tempered by the knowledge that in the Marine Parade bombing he had gone 'beyond the confines of the organisation.' He had allowed his anger to get the better of him and by the next day he was already feeling sorrow and regret at what he had done. He felt:

The people who died and were injured were not soldiers or strategic targets. They could have been sympathetic to our cause.

McBride's evidence had the ring of truth even when discussing the crucial question of choice of target. While adamant that Marine Parade had not been his idea, he agreed under cross-examination that even his own chosen target could have caused loss of life and that keeping civilian injuries to a minimum was not uppermost in his mind at that time. However, his aim was not murder – but rather protest. Where murder is not the primary motive of an action this can be recognised under South African law as an extenuating circumstance.

Throughout the trial McBride was protective of Greta Apelgren whose role he consistently minimised in his evidence. She did not speak in her own defence. He denied that she was a member of a combat unit and said she was kept in ignorance of the car bomb. Thus – even though she had used her own car to reserve a parking space for the car bomb – she was cleared of all charges in relation to this and received a sentence of only 21 months for other actions.

Evidence for the defence was given by clinical psychologist Professor Chabani Manganyi and sociologist Fatima Meer. They concentrated

on social deprivation in Wentworth, McBride's family history, how his life had been distorted by apartheid and the impact on him of the regime's repression, in particular the imposition of the State of Emergency, Manganyi expounded on the close identification between Robert and his father. Whereas Robert's parents provided him with a positive self-image with which to withstand the onslaught of apartheid's racism, Derrick McBride had experienced rejection even from his own mother. She could see no escape from the system except by aspiring to be white - and Derrick was too dark for this. Derrick McBride's bitterness against all whites was submitted as a dominant factor in Robert's psychological development.

On 13 April Justice Shearer, 'with great sadness' pronounced the death sentence. For the first time in a recent political trial, however, his verdict expressed a majority rather than a unanimous decision. Shearer acknowledged many of the defence's points, accepted McBride's testimony and admitted:

We live in a country where unhappily freedom has been curtailed by legislation.

However, he and one of the assessors ruled that none of this was sufficient to excuse the planting of the Marine Parade bomb. The other assessor dissented from the judge's decision. Professor John Milton recorded his view that McBride's background and personal history, taken with his emotional state after the declaration of the State of Emergency and the accomplice's influence over him were sufficient to 'reduce his moral blameworthiness'. He stated that McBride's plan to bomb the hyperama 'had a political motive and had not been born of murderous intent'.

McBride's troubles with the police persisted almost into the courtroom. Shortly before he was to be taken from the police cells for sentencing a policeman taunted him with a noose and abused his mother. Police were said to be investigating a charge of assault against McBride for the scuffle that ensued.

THE APPEAL

McBride was granted leave by the court to appeal against the finding that there were no extenuating circumstances. Defence lawyers were confident of winning this, based on a misdirection by the judge when he said that factors influencing McBride - indignities he and his people had suffered, the inadequacy of protest machinery, and the persuasiveness of his accomplice - 'did not explain the enormity of the bombing'. They argued, from a successful appeal in 1985, that extenuating circumstances have to be assessed on their own merit and not be weighed up against the manner of the alleged crime. Therefore the specifics of the car bomb - in particular its involvement of 'innocent white civilians' should not count against him. In March 1988, however, McBride's appeal was rejected.

THE CAMPAIGN

On the day Robert McBride was condemned his mother announced an all-out legal battle to save his life. Doris McBride's resolve did not waver when the following month her husband was sentenced to 12 years' imprisonment for his part in the Webster escape. In July '87 she linked up the family's campaign to save Robert with the wider call by the South African Youth Congress (SAYCO) to 'Save the Patriots' on Death Row. Spearheaded by SAYCO the campaign was backed by the United Democratic Front, the Release Mandela Campaign, the National Education Crisis Committee, the National Union of Mineworkers, the Congress of South African Trade Unions (COSATU) and the National Students Co-ordinating Committee. Many more organisations have since expressed support for its aims.

At meetings in both Johannesburg and Durban, Doris McBride has spoken not just of Robert but about all those sentenced to death for their opposition to apartheid. Her special concern is for those who lack strong family support and may feel abandoned. Her very presence has drawn attention to the role of mothers in the struggle.

The campaign to save McBride received support from all the major churches in Wentworth as well as from the community there. However, the authorities continued to harass the McBride family and those associated with them, and petition forms were confiscated by the police. The entire family was picked up after a visit to Robert in Pretoria Central Prison and interrogated about alleged plans to spring him from the Westville Prison where he was first held. His sister Bronwyn, the mother of a young baby, was detained for some months after the arrest of Gordon Webster in September 1987. Webster was alleged to have returned to South Africa to take hostages for McBride's release. In December 1987 Derrick McBride was moved to Robben Island and the family were prevented from communicating with him for some months. The harassment and worry had its effect on Doris McBride's health and she had to give up teaching. In February this year she suffered a stroke.

Now that McBride's appeal has been turned down his only hope lies in a petition for clemency to the State President. His family remain confident that he can be saved. They know that the death sentence is not supported by the majority of South Africans - a view echoed by Robert McBride in a letter from prison to his mother. His petition for clemency is now supported by leading members of the white community indicating that dissatisfaction with the verdict comes from all sectors of society. Those making pleas on his behalf include Zac de Beer, a leading industrialist with the Anglo-American Corporation, and the editor-in-chief of the *Star*, Johannesburg's leading evening newspaper. Academics and opposition politicians have added their voices to the call for clemency.

As the number of political prisoners on Death Row has grown so has the campaign for a halt to executions. In spite of the banning of SAYCO and new regulations forbidding COSATU to campaign on the issue of

death sentences, there are signs of a broad movement for the abolition of capital punishment in South Africa. Lawyers and trade unionists, religious leaders and women's organisations are united in their opposition to executions. All of these groups look to the international community to support them in their struggle for justice, that justice foreshadowed by the Freedom Charter demand that 'All shall be equal before the law.' Until such time as this is achieved cases such as Robert McBride's will cry out for action.



Doris McBride, Robert's mother

STATEMENTS FROM THE CAMPAIGN RELATIVES OF THOSE CONDEMNED

Doris McBride, mother of Robert

"Help us popularise the campaign to save the 34 men and women now on death row. Your strong support is most desperately needed."

August 1987

Pauline Moloise, mother of Benjamin, executed in 1985

"They are our future. A child who has wronged is not necessarily killed."

August 1987

ORGANISATIONS IN SOUTH AFRICA

United Democratic Front

"It is apartheid that is the violent system and it is apartheid that eventually begets responsive violence. We can never accept the situation where young South Africans who, under normal circumstances, would have had the opportunity to constructively contribute to the advance of society, are sitting on death row."

July 1987

South African Youth Congress

"Most of the young South Africans presently on death row have been sentenced for actions arising out of the war between South Africa's people and Apartheid. Their acts were political, not criminal. Their 'crime' was to say they would no longer tolerate a system of perpetual misery, a system which always answered cries for decent housing and education, affordable rents and a living wage, for basic human survival, with bullets."

December 1987

Peter Mokaba, SAYCO president

"The lives of the 32 can only be saved by all peace-loving and freedom-loving people the world over."

August 1987. Mokaba was in detention when this pamphlet was published

Southern African Catholic Bishops Conference

"Feelings are running high among certain sections of the population over 32 persons awaiting execution. They were found guilty of certain acts of violence, including two episodes of 'necklacing' and one bombing that caused three fatalities. . . The courts have found them guilty of murder and they are due to be executed in terms of South African criminal law.

Great numbers of people, including a powerful youth movement, consider that what these persons stand condemned of are 'acts of war' performed in the liberation struggle, in which the South African state is responsible for even greater and more widespread violence. . . The assessment described is a reality of political life in South Africa.

We earnestly recommend commutation of the death sentence.

We also note how necessary it is for all concerned to take up the issue of capital punishment."

August 1987

Moslem leader Faried Esack

"The international community has a duty to call for the release of political prisoners and an end to the hangings."

Rev Peter Storey of the Methodist Church

18 "A system of white power with an all white judiciary may implement

laws but . . . it cannot dispense true justice." *May 1988*

Edwin Cameron, Research Officer at the Centre for Applied Legal Studies

"The death penalty is always a horrifying and inappropriate penalty and that is particularly so in South Africa where there are racial and economic disparities between groups, and where the perception is that the death penalty is applied on poor people who are not white. To use it in a society like this for political offences does not seem merely unwise, but comes close to being an act of self-mutilation."

September 1987

Mr Raymond Tucker, chair of the Wits Branch of Lawyers for Human Rights

"My personal opinion is that enforcement of the death penalty against people convicted of crimes that have a political element is counter-productive to an overall resolution of the problems.

The people in opposition at any time can so easily be the people in power in later years and the scarring and destructiveness of the death penalty frequently outweighs the so-called interests of society."

September 1987

INTERNATIONAL COMMUNITY

International Association of Democratic Lawyers

"The 42 men and two women awaiting execution in Pretoria are political prisoners who have been convicted of charges directly related to the South African people's resistance to the terrorism of the regime which is waging war against the people of the townships, trade unionists and political activists.

The IADL joins the international campaign to save the lives of these young activists."

December 1987

United Nations Security Council

". . . expressed its grave concern that the Pretoria regime's practice of sentencing to death and executing its opponents has adverse consequences on the search for a peaceful solution of the South African situation."

Resolution 615, 17 June 1988

European Economic Community

". . . expresses grave concern that thirty-four young South Africans are on Death Row, having been sentenced to death for activities involved in opposition to apartheid, and urges the Council of Ministers, the Commission and all European Community Member States to intervene immediately with the South African authorities to seek the commuting of these sentences."

September 1987



LETTER FROM ROBERT MCBRIDE

Comrade Mummy

There are so many people here on Death Row. There are so many it's unbelievable. This thing of capital punishment must end as soon as possible.

A government that has to hang so many people to maintain 'law and order' should be ashamed of itself. The fact that there are so many people here is an indictment on the social and political structure of the South African society. I think we must be one of the countries with the highest number of annual executions.

Referring to how apartheid divides South Africans from birth into four separate population groups, he suggests that different 'societies' have evolved.

Each society develops its own social and moral norms. But here is the problem: All four societies are judged in a court of law which aspires to and judges on a system based on white moral values of a privileged minority.

What an indictment on a judicial system! How dare they judge us black people. The white judge lives in his white powder-puff, lily-white, privileged society. How can he ever imagine the social and psychological make-up of a person like myself - a product of the ghetto.

I am a product of the ghetto, but not because of choice - because of the colour of my skin! Can he even appreciate this fact? All these things play a part in how a person behaves or will behave. It is the same system that the judge upholds that is responsible for me developing differently from him (the white judge)!

But does he take these things into account when he sentences me? My sentence is not what all of South Africa wants or expects, it is what the white minority privileged South Africa wants. But does white SA live in a ghetto, is white SA discriminated against (by law) because of the colour of their skins, is white SA voteless, oppressed . . .

Referring to his own impending execution McBride says:

It is a time of sacrifice

When sentenced to death McBride responded 'The struggle continues until Babylon falls.' In his letter he again uses the Rastafari term 'Babylon' to describe the apartheid state.

This thing is crumbling. This Babylonian apartheid monster is giving its last kicks. But we must be careful: a wounded animal is desperate and most dangerous. But now we have to deliver the final blow to the philosophy of racialism and racial supremacy. Uneasy is the head that wears the crown of white supremacy.

Your loving son, Robert John McBride.

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