

It is April 1987. I'm on the Pretoria highway in the fast lane, ears pinned back, being pulled along in the slipstream of a seventy-seater school bus going like hell, the children clustered up against the large back window, pulling faces at me, smiling and waving. I am not enjoying myself.

This morning the phone rang at five o'clock. Not a good time for me.

I come up from a heavy sleep, grope clumsily for the instrument on the bedside table. Alongside me my wife Caroline turns away from the noise and pulls at the duvet. She's a journalist. I'm a lawyer. Because of our jobs the phone rings at all hours of the day and night. It's something we never get used to.

My voice is a croak when I answer.

'Is that Peter Harris?' says someone I don't recognise.

'I'm afraid so,' I reply.

'This call is from Lusaka. Please visit Jabu Masina, Ting Ting Masango, Neo Potsane and Joseph Makhura in Pretoria Central Maximum Security, they need to see you urgently. Please see what you can do to assist them.'

I have notepaper and a pen beside the phone. I scribble down the names. 'No problem,' I say, but the caller has cut the connection.

'What is it?' mumbles Caroline.

'That's what I've got to find out,' I say, heading for the bathroom.

Maximum Security means 'political', nothing else. Serial killers, sadistic rapists, wild psychotics, mass murderers never make it close to Maximum Security. Maximum Security is for the 'politicals', my clients.

I've got the easy job. They get charged, I represent them, and then they go to jail, usually for lengthy periods. Then I visit them. In places like Pretoria Central or the 'snakepit' in Kroonstad, on Robben Island or at Diepkloof prison, otherwise known as 'Sun City' after the fantasy pleasure dome built by Sol Kerzner in Bop. Bophuthatswana to the apartheid architects.

'Are they guilty?'

Well, yes, they are ... mostly. At least the ones who end up in those kinds of places are, if guilty is the right word. Sadly, I suppose, I don't have that many innocent clients. Not many lawyers do. Worse still, my

clients are generally accused of the big things like treason, murder, conspiracy, trying to overthrow the State, sabotage, crimes which carry the death sentence. This is why these people are hard to defend, particularly if they are, in fact, guilty.

Even worse, my clients often don't want to deny the charges against them; they're not interested in their own innocence. This is in stark contrast to most people charged with criminal offences. Most people protest their innocence, even in the face of overwhelming evidence. Murderers holding a smoking gun proclaim their innocence. Try it for yourself: walk – or run – through your average prison on any day of the week and ask the prisoners convicted of criminal offences which of them are innocent and were wrongly convicted. Every hand will go up.

What distinguishes my clients is that they are political. Ask them if they intended to overthrow the State and you will get a strong yes. Unfortunately, though, even if they are separated from the criminals, they still end up in the same place, prison. This is depressing for a lawyer, demoralising.

Since this morning's phone call I have made some enquiries about Jabu Masina and the Three Others, as we refer to our clients in legal parlance. I've found out that they were part of an African National Congress special operations unit that had been on a mission in the country for about ten months before they were caught. This in itself is interesting as a lot of Umkhonto we Sizwe (MK) operatives are caught a lot sooner. Askaris (captured and turned MK guerrillas), now in the employ of the security police, are deployed at all railway stations, taxi ranks, border posts and potential entry points looking for their ex-colleagues who, once identified, are quickly arrested. The border patrols and perimeter farm commandos take care of those who jump the fence.

The arrest of a unit like this will have been kept a secret so that the police could run their 'investigation' without the irritation of lawyers wanting to see their clients. That would have interfered with the careful construction of the State's case. Depending on the circumstances of their arrest, their families tend to learn of their detention only much later.

There is a pattern in the way the State handles arrested MK soldiers. Generally, once arrested, they refuse to talk. There are threats of torture and then some talk, which, frankly, is precisely what I would do in that

position. I would sing an aria if it helped. Others will not talk. So they are tortured according to the creativity and inclination of the security policeman involved. They talk and give a 'confession'. Most talk in the end. For the brave it's a matter of how long you can last and how complete your confession is.

Once there's a confession, they are taken before a magistrate who, in all seriousness, asks the battered and exhausted accused if they have been tortured or if they have given the confession 'freely and voluntarily'. The accused, avoiding the eye of the security policeman who has tortured them, reply that the confession was freely and voluntarily given. The magistrate attests to this and, hey presto, the primary building block of the State's case slots into place. 'Investigative technique?' you ask. 'Tip-offs and torture.' Not too subtle, but effective. Betrayed by their bodies, the accused are dragged back to their separate cells in a mist of pain, shock and regret.

Now accomplices are arrested, the interrogation process is repeated and the investigation completed. Only when the case is virtually ready for trial are the accused brought to court for their first appearance. Of course, if there are decent channels of communication with other MK units or with headquarters in Lusaka, then word would have got out about their misfortune, particularly if a reporting date was missed. In Lusaka's books, if a unit goes quiet for too long they are assumed arrested and the appropriate steps are taken to protect other groups. In most cases, however, MK guerrillas operate in small, discrete groups with little or no contact between them, particularly on special missions. Generally, the first court appearance is the first time that the outside world knows of their arrest.

Often, this appearance coincides with a front-page exposé in the Sunday papers. The story will have been leaked by the police to the newspaper's friendly crime reporter who has no problem firing the opening salvo for the security police in the impending battle.

By 1987, the government's use of 'unofficial' methods has become accepted practice and the use of torture in interrogation is not the worst of it. We're ten months into the second state of emergency and the townships are literally under military occupation, many cordoned off by barbed wire and patrolled by soldiers and dogs.

South Africa, I believe, is not in a good place. In fact, black people

contend that it has been in a shocking place for some three hundred and thirty-five years.

The figures of the mass detentions vary. Depending on whom you talk to they are as high as thirty thousand and as low as ten thousand. If ten thousand is low! Each day resistance by the United Democratic Front (UDF) and the Congress of South African Trade Unions (Cosatu) gathers force in every corner of society, from the workplace to the schools. Increasingly, anti-apartheid activists are assassinated, disappear, or are booby-trapped and bombed. This is not official policy, but we know it's happening. We just can't prove it. And a lot of people don't want to know for fear of what they might hear and the personal consequences of that truth.

This is all below the surface. Above it, there is a legal and judicial order that provides, within the narrow confines of the security laws, for the representation of political organisations and political prisoners. The government, caught between its urge to deal violently with all opposition and its strange, desperate pursuit of international credibility and legitimacy, has left the legal door ajar. It's a door into a small room. But people use the opportunity. As you do when you have nothing else.

It is in this context that political trials have become public contests between the government and the resistance organisations. A courtroom battle for the moral high ground, legitimacy and credibility. This is 'hearts and minds' stuff, and exposure is key.

I am one of those defence lawyers who get called in, purveyors of the meagre legal meals. I have been doing this for some years now, and, at the age of thirty-three, I alternate between spikes of energetic commitment to my clients, anger, exhaustion and a laconic cynicism that I try to disguise. Alarming, I sometimes experience a number of these states simultaneously. I see my clients at their weakest and most vulnerable. They speak to me of their fears and frailties, their relationships, childhoods, prejudices and insecurities.

Try visiting detainees who are in solitary confinement once every two weeks for years and you end up discussing very little law – not much point when they are detained under draconian security legislation that allows little room for legal movement. We spend the time talking about politics, family, how they feel, their conditions. I give them some idea of what's happening outside and verbal information gets relayed. I understand it

from their point of view. I know how I would behave: with double their vulnerabilities and half their courage.

When they are finally released, there is often a sense of embarrassment when we meet 'outside'. Is it me or my client who becomes distant? Or do we both withdraw to our secret places, neither of us digging too deep, the revelations never mentioned? Perhaps it interferes with their reconstruction. You never want your therapist at your party.

Uncomfortable thoughts as I hunch over the steering wheel at high speed driving to Pretoria Central to meet four new clients, worrying that I might not have the energy to stay the course.

## 2

It was close to midnight when Jabu Masina jolted awake, the glare of headlights filling the room. The car slowed and stopped in front of the school classroom where Jabu hid. He checked his handgun, a Tete pistol, and stuck it back in his belt. His shirt was wet with sweat. Surprise was his only ally against a man like Orphan 'Hlubi' Chapi.

This was the second time he had come back to get Chapi. He'd tried a month ago but Chapi was too well protected and always alert. He'd followed him for two weeks and never got close enough, eventually returning to base in Swaziland shortly before his Swazi passport expired. A passport supplied by his commander, Solly Simelane.

After completing basic military training in the Funda camp close to Luanda, Jabu had been taken to a safe house in that city. There he was told he would be posted to Swaziland to join a unit that would specialise in assassinations – the 'Icing Unit', as it came to be known.

Before Jabu left for Swaziland, Oliver Tambo, the president of the ANC, visited him at a safe house in Luanda. The two men met alone in a sparsely furnished room. Jabu felt honoured to be sitting with a man he revered so much. The president asked about his training and where he'd grown up. Jabu spoke of his home in Rockville and life in South Africa before he left. The meeting ended with Oliver Tambo shaking his hand and wishing him luck.

On 11 June 1978, Jabu was given two hundred rand and a passport, with a visa valid for fourteen days, by his commander Solly Simelane. He

was instructed to enter South Africa and 'sanction' Chapi, a policeman notorious in Soweto for atrocities against his own people. Jabu knew of Chapi. The man was a legend in Soweto and boasted that he had killed a number of students. Always armed, he rode seemingly invincible through the township in the company of his fellow policemen. Bullet proof.

There had been previous attempts on Chapi's life. All had failed. People were terrified of him. Quick to use his gun, he had the reputation of being an outstanding marksman.

Crossing through the Oshoek border post, Jabu arrived in Soweto at seven the same evening. Again, he spent his days and nights tracing Chapi, but with little success. Although he knew where Chapi lived, he did not want to be seen too close to the house. On those occasions he ran a stakeout, the man was nowhere to be seen.

The days passed. Jabu became desperate. On the morning of the fourteenth day, while waiting at a traffic circle near the Anglican church close to Chapi's Rockville home, the policeman's brown Ford Grenada pulled up close to him. Two women got out. Jabu walked quickly towards the vehicle, reaching for the pistol tucked into the front of his pants and covered by his loose blue shirt. Suddenly a police van turned the corner and stopped next to Chapi's car. Jabu paused. This was too dangerous. Moroka police station too nearby. He walked away slowly. From a distance he watched the Ford Grenada drive off. The hit would have to be that night. He would need cover of some sort.

In the late afternoon, Jabu returned and checked the area around Chapi's house once again. The houses were bigger here, not the small matchboxes that dotted Soweto. The property was larger too, and Chapi's house had a drive-in garage. Comparing it to his own house fuelled Jabu's resentment, justified his intention. This man was enjoying the fruits of collaboration, and everything had a price. Jabu made his plans.

The Ndondo school opposite Chapi's house would provide good cover while Jabu waited. Once night fell he entered the school and took up a position in a classroom facing the street. Previously he'd avoided this option, thinking it too obvious. But this was his last chance. Because of the tension, the waiting was long and tiring. Eventually Jabu sat down, propped himself against a wall, and drifted into sleep. He would jerk awake, hide himself, but a heaviness behind his eyes sent him back to sleep.

Then the headlights flooded the classroom. It was Chapi's Ford Grenada.

Now he had to make his move. The car stopped opposite Chapi's house and a man got out, walked towards the yard gate and opened it. In the dull orange light cast over the township by the 'Apollos' on their tall masts, Jabu realised that the man was Chapi. Quickly, he left the classroom, keeping to the shadows. Chapi's house was on his left, the Grenada on his right. Chapi was opening his garage door. Jabu hurried towards him. Hearing footsteps, Chapi spun round, his gun in his hand. So fast, Jabu knew he wouldn't make it. He staggered drunkenly and lurched across the road towards the policeman. He was close now, level with the car. Chapi lowered his gun, asked if he was okay. Jabu slurred a reply. Simultaneously, he drew his pistol and shot Chapi high in the body on the right. Chapi fell to a crouch and lifted his gun. Jabu squeezed the trigger again. It jammed. Chapi levelled his weapon. Jabu cursed, dived over the Ford's bonnet, trying to fix the gun. Chapi was firing now, six shots or more. At each explosion Jabu expected the shock of metal tearing into his flesh. He scrambled to the front of the car as the wounded Chapi moved to the rear: the hunter suddenly become the hunted. It was true what they said about Chapi: he couldn't be killed. The shots were deafeningly close. This is it, thought Jabu, the end. And then silence. He raced wildly down the street. Alive. Once round the corner, he walked slowly up the street behind Chapi's house and, jumping a fence, hid in a garden.

He pushed the gun into his pants. To think that such a small weapon could take the life of a man, although the indestructible Chapi would surely survive only one bullet. And then the police would hunt him down. Yet Jabu couldn't move. The night was filled with sirens as police vans accelerated from Moroka police station. Anyone on the streets would be stopped and questioned. He wouldn't stand a chance. He knew that no one would leave their houses. The brave might peep out a window, but no one would go further than that. This was Soweto and what you didn't know couldn't hurt you. An hour passed. Another. Until early in the morning, cold and scared, he was finally able to creep away.

The next day Jabu made preparations to get out of the country. His passport had expired. He would have to jump the border. This presented dangers of its own. Another possibility of arrest. To add to his anxiety he still knew nothing of Chapi, of whether his mission had been successful.

Jabu decided to cross the border into Botswana as he had been instructed

to do if something went wrong. Mozambique was out of the question as it would be an embarrassment to the Mozambicans if he were caught.

At Johannesburg's Park Station that afternoon, the *Sowetan's* billboards proclaimed the death of Chapi. Jabu bought a copy. He read that the residents of Soweto had 'danced in the streets'.

That night he slipped through the fence into Botswana and made his way to a refugee centre. Refusing to speak to anyone at the camp, he demanded to see a senior ANC official. Two days later he received a visit from Joe Modise, to whom he told his story.

Afterwards, exhausted, aware of the finality of his act, he wondered why he felt no regret, why he was infused with a sense of victory.

His first mission was over. He had committed murder.

### 3

Getting to Pretoria Central Maximum Security Prison takes you through the massive military complex of Voortrekkerhoogte, the headquarters of the South African Defence Force. Army camps lie on the right and left, uniform brown barracks matching the dry, brown veld. The largest military complex in Africa. This is an ugly place. Behind the grey walls of the camps lies an alien terrain of numbing rules and soldiers, sad people who find comfort in the camaraderie of procedure and the invigoration that the distant prospect of death brings. I know, I have been there. Very often, I see the air force's C130s taking off: dark olive green birds with bulging stomachs of bile, heading for Angola, Mozambique, Namibia (still called South West Africa at the time) to fuel dubious and unpublicised wars. These conflicts in the north, on which we quickly turn the page, are never real until someone we know does not come back. And most of us know someone.

I have to admit that I am prejudiced against Pretoria. I have never been able to distinguish the pretty purple of the jacaranda trees that line every avenue from the suffering that is planned and implemented from this city. I have been involved in too many trials and made far too many visits to a prison that smothers all within it for me to appreciate the jacarandas in blossom. There is little beauty in Pretoria. The city streets are always filled with bureaucrats, police or soldiers scurrying between great concrete blocks – the massive government departments