RIOTS & DISTURBANCES - CAPE

1987

JANUARY — APRIL

Rumours trigger fears after 'necklace' burials

JOHANNESBURG. — About 2 000 people attended a funeral at the weekend for a 22-year-old black militant killed in what appeared to be a family feud of Christmas slayings in Soweto.

Mrs Winnie Mandela, wife of imprisoned African National Congress leader Mr Nelson Mandela, attended the funeral service at the dead man's home and the graveside ceremony that followed at Avalon Cemetery. "Comrades", or young militants, chanted slogans in praise of the ANC, Mr Mandela and ANC president Mr Oliver Tambo, saying: "The country must be liberated."

There was no violence or police action, according to a witness, but some of the militants hijacked 13 cars and three vans to travel from the funeral service to the cemetery.

Mrs Mandela said she had asked the family to hold the funeral on Saturday, rather than on Sunday as they had planned, in an effort to lower tension in the township. Rumours and different versions of the events surrounding the three deaths have led to expectation of more violence, township residents said.

The community residents say Mr Philip Meja Mothoa, 22, known as a "comrade", was stabbed and burned to death on Christmas Eve in the Mofula section of Soweto He was killed in the "necklace" method.

First reports in the community were that a rival faction of "comrades" had killed Mr Mothoa, believing him to be a police informer, residents said.

But on Christmas Day Mr Mothoa's stepmother was also necklaced after returning from a holiday. Residents said his friends went hunting for her, saying she had hired a gang of thugs to kill her son out of family jealousy and that the killers had merely masqueraded as a rival gang of "comrades" They say the woman was taken in a car to the site where her son had died and was necklaced.

Also on Christmas Day, Mr Bongani Molefe, one of the men rumoured to be responsible for Mr Mothoa's death, was necklaced, residents say.

Mr Mothoa's father declined to talk about the deaths, and some radicals have suggested he may be a target, too.

None of the deaths was mentioned in the government Bureau for Information's daily unrest reports These reports, based on information the police give the bureau, are the only official source of information on unrest under the state of emergency decrees. Sapa-AP

Kwanobuhle deaths not unrest — police

By KIN BENTLEY

THE police today released details of a march by about 1 500 people through the streets of Uitenhage's Kwanobuhle township at 4am on Sunday, during which two people were killed and seven injured and the furniture from eight houses taken outside and burnt.

After confronting an opposing group, the police dispersed them about four hours after the march started.

A spokesman for the PFP's Operation Real South Africa said UDF activists bore the brunt of the attacks.

Mr Andrew Savage, MP for Walmer, who interviewed some of the victims, said today it appeared to have been a "Crossroads Witdoek-type" situation.

Police had referred Press inquiries to the Bureau for Information, but the bureau failed to respond and did not mention the violence in its regular unrest reports.

The deaths were reported yesterday in Oosterlig, which attributed its information to the police, but Major Eddie Everson, police liaison officer for the Eastern Cape, denied supplying the information.

Today a member of the Bureau for Information, Mr Deon van Loggerenberg, told the Evening Post that the incident was not unrest-related and that details could be obtained from the local murder and robbery squad.

Major Everson said the incident had "nothing to do with the unrest whatsoever".

He said: "A group of 1 500 people walked along the streets calmly and at specific houses removed furniture and set it alight."

He said the group left the houses untouched.

Where the group felt there were "troublemakers", they "tried to get hold of them".

They met an opposing group and the two "thrashed it out".

"The youngsters fled into neighbouring koppies."

The marchers "felt things had gone on long enough and wanted a return to normality and a return to school".

"They had had a gutsfull."

Asked how the police knew the group's aims, he said they were told this when at about 8am they "managed to get the group together".

The group was told they were breaking the law and that the police would have "no alternative but to take steps unless they stop their nonsense".

After being confronted by the SAP they left.

Asked why the police had not put a stop to the violence earlier, Major Everson said this had not been possible because the group was large and operating over a wide area.

The two dead men, who were both about 18, had few external injuries.

Police are investigating the deaths and the cause of the fighting.

Boland violence: How the news got out

Cape Times 6/11/87

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Staff Reporter

VARIOUS government departments have reacted to the weekend's violence in Laaiplek, which left one dead and at least three wounded.

In the original Bureau for Information report on Sunday's violence, the bureau said: "About 400 coloureds gathered illegally at Laaiplek, Paarl, yesterday. The security forces who arrived on the scene were stoned by the group.

"One member of the forces, Constable P J van der Merwe, was seriously injured in the attack. The mob was dispersed with tearsmoke and birdshot and seven coloured men were arrested.

"Note: Initial information in this regard indicated that this incident was not unrest-related and press inquiries were informed as such. Further investigations, however, brought to light that this was, in fact, unrest-related."

Approached yesterday, a Bureau for Information spokeswoman, Mrs Adriana Anderson, said she could not comment any further on the incident as "police did not give me any further details".

"All the information I got (from Boland police headquarters at the weekend) I released in the unrest reports," Mrs Anderson said.

"The police did not give me anything further. I wondered myself what happened there."

A spokesman at the Inter-Departmental Press Liaison Centre told the Cape Times yesterday that Saturday night's incident at the café should have been mentioned in the bureau's unrest report.

Policeman hit on head by stone dies

Staff Reporter

THE policeman injured during an incident at Laaiplek police station on Sunday has died.

Constable Pieter van der Merwe, 34, had been in a critical condition since he was hit on the head by a stone about 11am on Sunday.

He died in Tygerberg Hospital last night.

Plans for a military funeral are being made.

● Five people, four men and a woman, were expected to appear in court in Vredenburg today following incidents in Laaiplek on Saturday, police confirmed.

No one is expected to appear yet in connection with the death of Constable van der Merwe, or Jonathan Slabbert, 17, who died after being shot in a cafe in the town on Saturday.

Police confirmed that murder dockets had been opened in both cases.



The parents of Jonathan Slabbert who died after being shot in the head at Laaiplek on Saturday.

+ + EMERGENCY UPDATE + +

Stonings: Woman hurt

PRETORIA. — A woman was injured as about 30 men threw stones at homes in Tinus, Fort Beaufort, according to the Bureau for Information's unrest report for yesterday.

Other incidents were isolated stonings and petrol-bomb attacks in unspecified areas. — Sapa.

East Cape violence 'not unrest-related'

PORT ELIZABETH. — Police and the Bureau for Information say the fighting among residents of the Uitenhage township of Kwanobuhle at the weekend was "not unrest-related".

Two people were killed, seven were injured and furniture from eight houses was burnt in violence which has been likened by one observer to the "Witdoek violence" in Crossroads.

Major Eddie Everson, police liaison officer for the Eastern Cape, said the reason for the march by about 1 500 people through the township at 4am on Sunday was that "the marchers felt things had gone on long enough and wanted a return to normality and a return of the children to school".

"TROUBLEMAKERS"

He said the incident had "nothing to do with the unrest whatsoever".

Major Everson said the group marched "calmly". They had tried "to get hold of the troublemakers, removed the furniture from specific houses and set it alight". Houses were left "untouched".

When the group met an opposing band of men the two "thrashed it out" and "the youngsters fled into neighbouring koppies". Police then dispersed the group four hours after the march started, he said.

NEW ORGANISATION

The head of Operation Real South Africa, Mr Rory Riordan, who has monitored the situation since Sunday, said United Democratic Front activists bore the brunt of the attacks.

Residents told him that more than 1 000 Azanian Youth Union supporters had moved through the township beating people from the UDF-affiliated Uitenhage Residents Civic Organisation and the Uitenhage Youth Congress. Also involved in the march was a new organisation called the African Persons Concerned Committee.

At first the Press could not report the incident because it was believed to be unrest-related. — Sapa.

Mortgage rate cuts welcomed

Financial Editor

CUTS in the mortgage bond rate announced yesterday by the United Building Society (UBS) and Natal Building Society (NBS) will save the average family between R44 and R64 a month in repayments.

Estate agents said yesterday that they would also make it possible for people at the lower end of the market to qualify for a bond, as building societies normally grant one on the basis of repayments being a quarter of the breadwinner's salary

Sapa reports that both the UBS and NBS will cut the mortgage rate for new borrowers to 13,5% from 15%, and UBS will cut the bond rate on existing loans to 14% from April 1.

This means that they are both above the rate of 12,5% currently charged by the Standard Bank. But estate agents said they expected to see building society rates drop still further

Mr Jonathan Durr of Durr Estates, Mr Raymond Dunlee of Pam Golding Properties and Ms Joan Aronowitz of Real Estate 7 all said they expected to see the bond rate down to 10% by the end of the year.

Ms Aronowitz said the drop would have more than a psychological effect on prospective buyers. "An extra R44 a month can mean a lot to some young families"

She noted that repayments at 13,5% or 14% would seem low to people who had become accustomed to rates of between 18% and 19,5% a year ago.

A family with a bond of R40 000 over 20 years were paying R663,87 a month at 19,5% at the start of 1986

They are now paying R526 at the current 15%. A drop to 14% will mean a payment of R497,50 and at 13,5% they will pay R482,92.

Mr Dunlee said the lower rate would also encourage investors to buy a house for letting, since they could expect a reasonable return

☐ More good news yesterday was that the gold price rose to $401,55 an ounce and the rand closed at $0,4645 after rising briefly to $0,47 — See Page 8.

Injured policeman dies

Staff Reporters

A POLICEMAN who was critically injured when he was hit by a stone on Sunday after an alleged racial incident in Laaiplek, died in Tygerberg Hospital last night.

Dr P Rossouw, the medical superintendent on duty at the hospital, said Constable Pieter J Van der Merwe, who sustained serious head injuries, died at 10.15pm in the intensive care unit.

He was married and lived in Vredenburg.

☐ **Comment, page 6**

BUSINESS BRIEF

Gold (close)	$401,55
Rand	$0,4640/50
FT index (close)	1334,30
BD 100	1534,70

Fleeing taxi

407 - SOUTH AFRICA

Supe1

AREA

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Kwanobuhle battles not unrest — police

Cape Times 7/1/87

Own Correspondent

PORT ELIZABETH. — Police and the Bureau for Information have stated that fighting that broke out between residents of Kwanobuhle this weekend was "not unrest related".

This follows three days of endeavouring to get official government confirmation by the press on what had happened in the Uitenhage township on Sunday.

The PFP MP for Walmer, Mr Andrew Savage, who interviewed some of the victims and visited the area, said the impression he gained was that it was a "Crossroads, witdoek-type" situation.

Two people have been killed, seven injured and the furniture from eight houses taken outside and burnt in the violence. At the time of going to press, no further incidents had been reported.

The head of Operation Real South Africa, Mr Rory Riordan, who has monitored the situation since trouble erupted on Sunday, said UDF activists had borne the brunt of the attacks.

Residents told him that over 1 000 Azanian Youth Union supporters had moved through the township beating people from the UDF-affiliated Uitenhage Residents Civic Organization (Ureco) and the Uitenhage Youth Congress (Uiyco). Also involved in the march had been a new organization called the African Persons' Concerned Committee (APCC)

According to a statement released yesterday by Major Eddie Everson, an SAP liaison officer for the Eastern Cape, the reason for the march by about 1 500 people through the streets of Uitenhage's Kwanobuhle township at 4am on Sunday was that "the marchers wanted a return to normality and a return of the children to school".

He said the incident had "nothing to do with the unrest whatsoever".

Major Everson said the group of about 1 500 people had marched through the streets "calmly". They had tried "to get hold of the troublemakers, removed the furniture from specific houses and set it alight". Houses had been left "untouched".

When the group had encountered an opposing band of men, the two "thrashed it out" and "the youngsters fled into neighbouring koppies". Police then dispersed the group. This was four hours after the march had started, he said.

He said police had known of the group's aims after rounding the group together at about 8am.

They left after police had told the group that they were breaking the law and steps would be taken unless they stopped their nonsense.

Major Everson said police had not been able to put a stop to the violence earlier because the group was large and operating over a wide area.

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Cape Times
dnesday, January 7, 1987

Security forces cordon off, search squatter camp

Staff Reporter

SECURITY forces, including Defence Force foot patrols and a large contingent of police and military vehicles, threw a cordon around the perimeter of the KTC squatter camp early yesterday morning and mounted a series of spot-checks and house searches throughout the community.

The operation was confirmed by a police liaison officer for the Western Cape, Captain Jan Calitz, who referred the Cape Times to the Bureau for Information in Pretoria for further details.

However, a spokesman at the bureau said he had no details on the incident.

The bureau's daily situation report was compiled at police headquarters following information received from police districts nationwide, he said.

The bureau could possibly release details on the security force action in their situation report today, he said.

The Cape Times has several eye-witness accounts from KTC residents concerning the incident there yesterday morning and it is believed that several arrests were made.

Residents said only one entrance was left open to the camp through which people could move to and from the area and all persons were searched and asked to produce identification.

Pamphlets declaring security forces to be "friends" who acted against "intimidators" were also distributed, they said.

The operation, on the eve of black pupils returning to classes today, began several hours before dawn and finished about 10am, they added.

Residents living in fear

CITYPRESS

11/1/87

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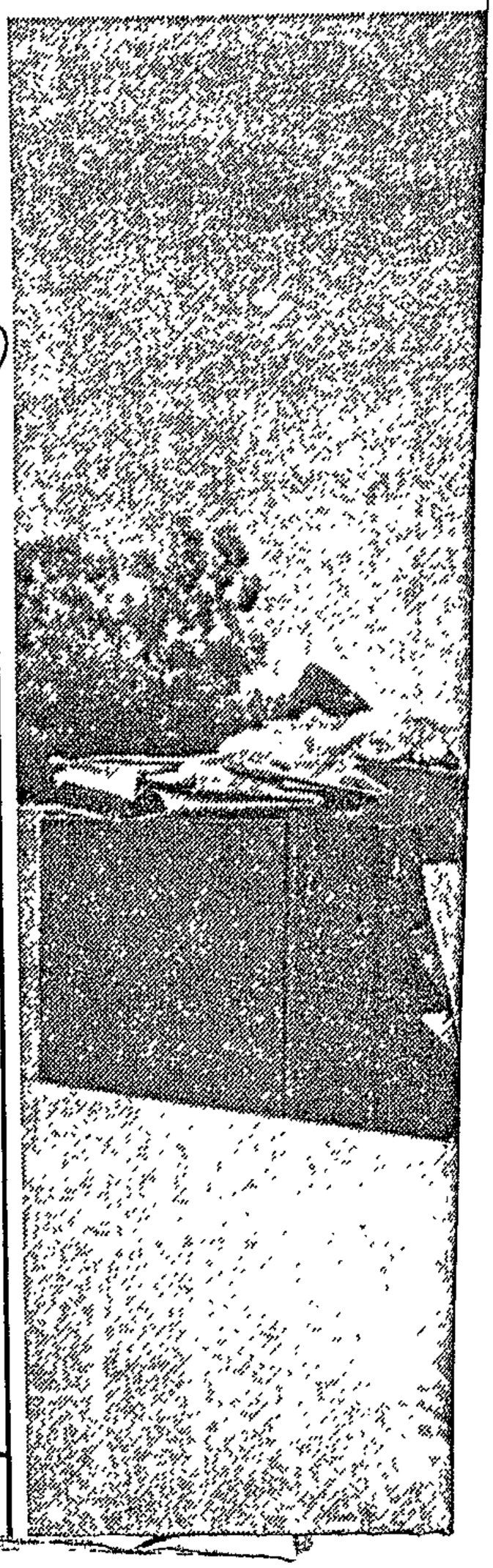
CP Correspondent

UITENHAGE residents are living in fear of groups of vigilantes who swept through the townships of Kwanobuhle and Kwalanga on Sunday, leaving two dead and many injured.

The group, calling themselves Ama Africa Poqo, urged people "to go to war against 'Amakwenkwe' – the young boys – who have been "intimidating" people from buying in town, attending school and paying their rent.

UDF spokesman and Motor and Component Workers' Union of SA member Mncedisi Stoto this week claimed that over 200 youths were arrested, while many were injured and some were reported missing.



Policeman dies in Guguletu shooting

CAPE TOWN — A policeman died and a female companion in a vehicle with him was injured in a shooting incident in Guguletu near Cape Town last night.

The policeman, whose identity was not released because his next-of-kin have not been informed, is the third to be killed in incidents in the Western Cape.

Inquiries were referred to the Bureau for Information.

A short statement on the incident by the bureau read: "A policeman was shot dead at approximately 9.40 pm at NY153 in front of house no 48. In the same incident a civilian woman was also injured."

On January 6 Constable Pieter J van Der Merwe (34) died in Tygerberg Hospital after he had been hit on the head with a rock following an alleged racial incident in Laaiplek two days earlier.

On Friday night Constable Gysbert Jakobus Labuschagne (20) died on the corner of Elliot and Terminus streets, Guguletu, after a hand grenade, which injured two other policemen, was flung into a patrol car. — Sapa.

Argus 13/1/87 (275)

Full military honours for Laaiplek policeman

Staff Reporter

A POLICEMAN who died of brain injuries in Tygerberg Hospital after violence in the West Coast town of Laaiplek last weekend was buried with full military honours at Vredenburg.

The funeral service for Constable Pieter Johannes van der Merwe, 34, who died on Tuesday, was held at the Ned Geref Kerk in Vredenburg's Main Street yesterday.

The other victim of the violence, allegedly sparked by a racial incident, 17-year-old schoolboy Jonathan Slabbert, was buried at the Apostolic Church at Laaiplek on Sunday. He was shot dead About 500 people attended the youth's funeral service in the tiny fishing town

Jonathan, described as a keen rugby and soccer player, leaves his parents, Mr Jacobus and Mrs Lena Slabbert, seven brothers and two sisters

Among high-ranking policemen at Constable van der Merwe's service were the outgoing commissioner of police for the Western Cape, Major-General Christoffel Swart, representing the Minister of Law and Order and Commissioner of Police, and the commissioner of police for the Boland, Brigadier P C Fourie

Roads closed

In a tribute at the hour-long service, General Swart said Constable van der Merwe, who died in the line of duty, was "dedicated, conscientious and a credit to the force"

Born and educated in Porterville, where he matriculated in 1970, Constable van der Merwe graduated from the Police College, Pretoria, in 1971

He served at Calvinia and Vanrhynsdorp before resigning from the police in 1974 Rejoining in 1984, he was stationed at Vredenburg until his death He is survived by his wife Magda and children André and Alette

Roads were closed as a procession of about 120 policemen accompanied by a band marched alongside the hearse to the graveside

The coffin was draped in the national flag and the police officer's cap Mrs van der Merwe collapsed at the graveside as police chaplain Colonel B W van Eeden delivered the benediction She was comforted by relatives



LAST RESPECTS: Police chaplain Colonel B W van Eeden leads a closing prayer at the graveside of Constable Pieter van der Merwe, who died of brain injuries received during violence at Laaiplek.

Shoes case: Not guilty plea to attempted theft

Staff Reporter

A PARKWOOD Estate man who allegedly tried to steal a pair of shoes from an acquaintance, causing him to take fright and jump from a moving train, has pleaded not guilty to attempted robbery

Mr Patrick Khol, 19, of Blackbird Avenue, told Wynberg Regional Court he was sitting next to Mr John Rayapen on a train travelling between Crawford and Lansdowne on December 27

"He had on a new pair of shoes and I asked him if I could try on one because I intended buying a similar pair. He refused and became afraid"

Mr Rayapen then jumped out of the window

"When the train stopped at Crawford station, four friends and I walked back along the railway line to see if we could find him, but we did not"

Mr Khol admitted that a friend, known as "Pretty Boy", stood up in the train with "a closed knife" before Mr Rayapen jumped out He denied that anyone had threatened or scared Mr Rayapen

Mr Rayapen was injured and is still in hospital

The hearing was postponed to January 30 and Mr Khol was remanded.



Pictures DION TROMP, The Argus.

BEREAVED: Mrs Magda van der Merwe, wife of Constable van der Merwe, is comforted by her brother, Mr Gerrit van Jaarsveld, and mother, Mrs Bettie van Jaarsveld.

The official course in
Small Business

Argus 13/1/87 275

Guguletu policeman shot dead, woman wounded

Crime Reporter

AN off-duty policeman was shot dead and a friend was wounded in Guguletu last night.

He is the third policeman to die in the Western Cape this month.

The Bureau for Information said the latest killing was "criminal" and not unrest-related.

The dead policeman has been identified as Constable B L Mtetwha, 24, stationed at Guguletu.

Lieutenant Denise Benson, police liaison officer, said Constable Mtetwha and a friend, Miss Patricia Nbwana, 22, were driving to an address in Guguletu about 9.40pm to fetch a friend with whom they were going out.

Constable Mtetwha was in civilian clothes and driving his own car.

In NY153 about six shots were fired out of the darkness with what appeared to be an automatic weapon.

Constable Mtetwha was hit a number of times and killed. Miss Nbwana was shot in the arm.

Meanwhile, two policemen wounded

+ EMERGENCY UPDATE +

in a hand-grenade incident in Guguletu on Friday night are in a satisfactory condition in hospital. A third policeman, Constable Gysbert Labuschagne, 20, was killed.

One of the wounded policemen, Warrant Officer H C J Barnard, had an operation on his elbow yesterday.

Last week a Vredenburg-based policeman died in hospital after a stone struck him on the head.

● Sapa reports from Pretoria that according to today's unrest report from the Bureau for Information a private vehicle in Kleinskool, Port Elizabeth, was petrol-bombed yesterday.

"A coloured man was slightly injured in the incident and only slight damage was caused to the vehicle. No arrests have yet been made."

Other reported unrest-related incidents included isolated cases of arson and a single stone-throwing incident. There were no injuries or arrests.

Policeman buried with honours

Staff Reporter

CONSTABLE Pieter van der Merwe, who was fatally injured in a confrontation with Laaiplek residents on January 4, was buried with full military honours in Vredenburg yesterday

The 34-year-old policeman was struck on the head with a rock last Sunday when about 400 residents of the West Coast village gathered outside the police station to demand the arrest of a man believed to be responsible for the previous evening's fatal shooting of a local youth, Jonathan Slabbert, 17.

More than 500 Laaiplek residents and mourners from Knysna and George attended Jonathan's funeral on Sunday. He was shot during a fight at the Oasis Cafe in the town's main road on Saturday night, January 3

At the funeral, Jonathan — who was living in Laaiplek with his parents, Mr Jakobus and Mrs Lena Slabbert, at the time of his death — was described as "very popular".

During the January 3 confrontation, police fired teargas and shotguns and rocks were hurled at them Const Van der Merwe was hit on the head by a rock but continued working for some time before collapsing.

He died from his injuries at Tygerberg Hospital on Tuesday night

At his funeral yesterday were several senior policemen, including Brigadier Chris Swart, Divisional Commissioner of Police for the Western Cape, representing the Minister of Law and Oder, Mr Adriaan Vlok, and the Commissioner of Police, General Johan Coetzee, as well as Brigadier P C Fourie, Divisional Commissioner for the Boland.

Const Van der Merwe was educated at Porterville High School and joined the police for a three-year stint from 1971 to 1974

He rejoined the police in 1984 and was posted to Vredenburg.

Brigadier Swart said Const Van der Merwe had been an asset to the police, was conscientious and set a good example.

He is survived by his wife and two children, Alette and Andre.



Some accused outside Laaiplek Magistrate's Court yesterday. At centre is M[illegible] van Zyl, who appeared for one of the a[illegible]

Laaiplek violence: Six appear in court

Staff Reporter

SIX people, including a 16-year-old youth, appeared in Laaiplek Magistrate's Court yesterday on charges arising from a series of violent incidents which shook the West Coast fishing village last weekend.

In three separate incidents on January 3 and 4, a man was assulted after alleged insults in a local cafe and a 17-year-old youth was later shot dead, Constable Pieter van der Merwe was fatally injured during a confrontation with townspeople over the death, and in an unrelated incident, holidaymaker Mr Johannes Saul, 22, was stabbed.

Appearing on charges of assault with intent to do grievous bodily harm were Mr Stanford Don, 19, of St Christopher Street, Laaiplek, Mr Clive Liebenberg, 21, of Church St, Laaiplek, and the 16-year-old youth

The State alleges that the three were involved in an assault on Mr Gysbert Johannes van der Westhuizen on the night of January 3 during which he was hit in the face with a bottle at the Oasis Cafe, a few hundred metres from the town's police station (Nobody has yet been charged in connection with the youth's death).

Mr Don is also facing a charge of criminal injuria. He is alleged to have touched the breasts of a young woman outside the cafe. He and the youth were released on bail and the case postponed for trial until March 3.

Mr Liebenberg is also facing charges of public violence and attending an illegal gathering — arising from a confrontation between about 400 Laaiplek residents and police on Sunday January 4 — and of malicious damage to property in connection with damage done to the Oasis Cafe the previous night

Mr Liebenberg was remanded until January 19.

Mr Dean Collison, 18, of Marcon Street, Laaiplek, and Mr Riaan Parenzee, 19, and Mr Jonathan Clarence Cordom, 19, both of Noordhoek, Laaiplek, were all charged with assault with intent to do grievous bodily harm.

The State alleges they were involved in an attack on Mr Saul at a camping site on January 3.

The hearing was postponed until March 3

Mr V Erasmus was the magistrate W/O N J A Laubscher prosecuted Mr F van Zyl represented Mr Cordom and Mr E Daniels represented the other accused

'No justification' for police baton assault on man

Staff Reporter

A MAN has been awarded damages by a civil magistrate after a policeman struck him on the head with a baton "without justification" during unrest in central Cape Town in October 1985.

The magistrate, Mr W J P Marais, found that while Mr Christopher Knight was moving away from a riot police squad in Shortmarket Street in compliance with an order by Major Dolf Odendaal, Mr Knight addressed a remark to the police.

Sergeant Geoffrey McMaster reacted by assaulting Mr Knight, hitting him on the head with a baton.

Mr Knight testified that his remark was "Why don't you remove yourselves as you are causing problems in Cape Town."

NO GATHERING

According to the police version, Mr Knight said: "It's about time you people f.... off out of the area because it's you people who are causing all the problems."

The blow was not justified because there was no gathering in Shortmarket Street and the people present were in the process of moving away, Mr Marais said.

The reduction of Mr Knight's original R2 544 claim against the Minister of Law and Order to R744 by agreement between the parties was realistic considering that Mr Knight's "somewhat unwise remark" brought about the assault, said Mr Marais.

He said the incident followed a demonstration in Adderley Street on October 10 which attracted a large crowd.

Police action caused people to move away from Adderley Street and violence broke out in St George's Street.

TOLD TO DISPERSE

Mr Knight, who was then a 24-year-old student, arrived in the city centre to buy a suit from Woolworths.

While he was walking towards Adderley Street, a group of riot police under the command of Major Odendaal approached him. Pedestrians were told to disperse.

Sergeant McMaster was among the group and Mr Knight was struck.

Mr J Short-Smith, instructed by Legal Resources Centre, appeared for Mr Knight. Mr N J Treurnicht appeared for the Minster of Law and Order.

Assault by policeman 'unjustified'

CAPE TIMES - 14/1/87

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Staff Reporter

A CAPE TOWN civil court magistrate has found that a police assault on a young man, Mr Christopher Knight, in Shortmarket Street in October 1985 was not justified, and has upheld Mr Knight's claim for damages against the Minister of Law and Order.

Mr Knight originally claimed R2 544 for medical expenses, loss of dignity, pain and suffering but this was later, by agreement between the parties concerned, reduced to a claim of R744.

Evidence during the civil court hearing last November was that Mr Knight was struck over the head with a baton by Sergeant Geoffrey McMaster, a member of a squad of riot police under the command of Major Dolf Odendaal, on a day on which there had been unrest in Adderley Street and St George's Street.

Mr Knight and two witnesses, Mr S Raubenheimer, an attorney, and Mr Roger Williams, Chief Reporter of the Cape Times, testified that there had been a relatively normal situation in Shortmarket Street at the time.



Mr Christopher Knight

And he found that Sergeant McMaster had reacted to a remark by Mr Knight to the effect, "Why don't you remove yourselves? You are causing problems by your presence in Cape Town", by striking Mr Knight on the head with his baton

Mr Marais found that the blow struck was not justified, and that the degree of force used contravened provisions 48 and 49 of the Internal Security Act which laid down that where force was used, it must not be excessive and must be in keeping with the circumstances.

Mr Marais said Mr Knight had at some stage arrived in the central city, wanting to buy a suit at Woolworths. He entered Shortmarket Street at a stage where a squad of riot police under Major Odendaal turned into the street from Adderley Street. Pedestrians were ordered by Major Odendaal to leave the street.

Both witnesses, Mr Raubenheimer and Mr Williams, neither of whom had known Mr Knight, had said that Mr Knight moved along, with other pedestrians in the street, in compliance with this order

Mr Shortt-Smith was instructed by the Legal Resources Centre. The Minister of Law and Order was represented by Mr N J Treurnicht.

Shortmarket Street at the time Mr Knight was assaulted

The magistrate, Mr W J P Marais, said in a written judgment handed down yesterday that he accepted this evidence and said the possibility of collusion in the police evidence given could not be ruled out.

He found that Mr Knight had not, as suggested in the police evidence, been part of a gathering when he was assaulted, and he also found that Mr Knight was moving away, in compliance with Major Odendaal's orders to the "normal pedestrian traffic" in

"He was in all material instances supported by the much younger Raubenheimer, and together these witnesses gave overwhelming corroboration to the claimant (Mr Knight) in his testimony that there was not a gathering (in Shortmarket Street) and that the claimant was in any event moving away from the police."

Mr Marais said that while the witnesses' views might in some measure be influenced by their political sentiments in this type of action, the court could not go so far as to find that such sentiments would induce them to tell deliberate lies, in order to benefit a stranger.

Magistrate praises newsman witness

Staff Reporter

MR Roger Williams was "the type of witness over whom any legal practitioner can wax lyrical", said the magistrate, Mr W J P Marais, yesterday.

Mr Williams, Chief Reporter of the Cape Times, and Mr S Raubenheimer testifed on behalf of Mr Christopher Knight.

"Mr Williams particularly, in a calm, composed manner, stood rock-fast on his evidence, in spite of an aggressive cross-examination.

"His long years of journalistic experience clearly enabled him to note details and memorize them.

Witdoek war moves to the Eastern Cape

The Uitenhage township of Kwanobuhle is the latest to be hit by 'Witdoek' type vigilantes waging war on UDF members. PEGGY KILLEEN reports.

UNITED Democratic Front members in Kwanobuhle are still reeling from a *witdoek*-type raid on their homes at the weekend.

They were attacked by about 1 000 youths wearing white headbands who swept through the streets, setting fire to property and furniture as they went

At least two people died and many were injured in what was later described as an attempt to destroy the UDF in the Uitenhage township.

At a press conference later in the week, Uitenhage UDF spokesman Mcedisi Stoto said many of those who managed to flee the youths were arrested by municipal policemen waiting nearby.

Stoto also said a police helicopter had hovered above the township for more than an hour before the attack.

Stoto said some activists had fled on foot all the way to Port Elizabeth—about 35 kilometers away.

He said he believed about 200 people had been arrested and there were a further 100 unaccounted for.

● Meanwhile a spokesman for a group formed shortly before the violence erupted, the African Persons' Concerned Committee, telephoned local newspapers to announce that his group intended "disbanding" all political organisations in the township, including the UDF and Azapo.

He said the committee had been formed spontaneously by "concerned people" who were "tired of the intimidation of comrades holding the township to ransom".

After the launch meeting on Sunday, he said, "some people decided spontaneously to attack comrades".

To add to the confusion, ousted Azapo leader Ebenezer Maqina released his own press statement warning white civil rights campaigners to stay out of Kwanobuhle.

Describing the weekend's clashes, he said he had seen "elderly people of about 60 marching through the streets with knobkieries. They were against the comrades, who were perhaps unfortunately UDF. It's there now for everyone to see."

The police responded by saying the violence was "not unrest-related".

SAP liaison officer Major Eddie Everson described the vigilantes as "just a group of concerned people".

He said about 1 500 people had marched through the streets "calmly". They had "tried to get hold of the troublemakers, removed the furniture from specific houses and set it alight".

When the group encountered an opposing band of men, he said, the two "thrashed it out" and "the youngsters fled into neighbouring koppies".

He said police had not been able to stop the violence because of the group's size and the fact that it was operating over a large area. — East Cape News Agency.

Minister agrees to pay R15 000 damages

CAPE TOWN — The Minister of Law and Order has agreed to pay damages of R15 000 to a Guguletu man who lost his left eye after being struck by a rubber bullet in August 1985.

The out-of-court agreement was reached after Mr Khumbulele Victor Nolebe sued the Minister for damages of R17 000.

Describing events leading up to his injury, Mr Nolebe told the Cape Town Supreme Court that he was sitting with a friend outside the KTC Bazaar, where he worked, on August 28 1985, waiting for the owner of the the store.

The owner had decided to close the shop that day because of a call for all Guguletu residents to join a march to Pollsmoor Prison, led by Dr Allan Boesak, to demand the release of ANC leader Nelson Mandela.

TWO CASSPIRS

Security forces in two Casspirs stopped to ask the two men what they were doing and, apparently satisfied, they left.

Mr Nolebe said he turned, saw his friend duck and the next thing he knew a rubber bullet had struck his eye.

Counsel for the Minister, Mr J Slabbert, admitted at the mandatory pre-trial conference between legal representatives of both sides that if Mr Nolebe had indeed been shot, police were responsible.

In court, however, he applied for leave to withdraw the admission.

He applied for leave to change the Minister's plea to claim that Mr Nolebe was injured when police legitimately fired on a crowd of about 600 people "throwing stones and bottles" near the corner of NY78 and Terminus Road.

Alternatively, the Minister claimed if Mr Nolebe was injured outside KTC Bazaar, it was not police who caused the injury.

Mr Justice Berman reserved judgment in October last year on whether the amend ment would be allowed.

In the interim, the Minister had decided to settle. — Sapa.

Cape Times
y, January 16, 1987

Police pay man R15 000 damages

Supreme Court Reporter

THE Minister of Law and Order has agreed to pay damages of R15 000 to a Guguletu man who lost his left eye after being hit by a rubber bullet in August 1985

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Describing events leading up to his injury, Mr Nolebe told the Supreme Court he was sitting with a friend outside the KTC Bazaar, where he worked, on August 28, 1985, waiting for the owner

The owner had decided to close the shop that day because of a call for all Guguletu residents to join a march to Pollsmoor Prison, led by Dr Allan Boesak, to demand the release of ANC leader Mr Nelson Mandela.

Security forces in two Casspirs stopped to ask the two men what they were doing and, apparently satisfied, they left.

Mr Nolebe said he turned, saw his friend duck, and the next thing he knew was a rubber bullet smashing into his eye

Counsel for the minister, Mr J Slabbert, conceded at the mandatory pre-trial conference between legal representatives of both sides that if Mr Nolebe had indeed been shot, police were responsible

In court, however, he applied for leave to withdraw the admission which, he said, was made "on the bona fide assumption that NY78 was Terminus Road"

He applied for leave to amend the minister's plea to a claim that Mr Nolebe was injured when police legitimately fired on a crowd of about 600 "throwing stones and bottles" near the corner of NY78 and Terminus Road

Alternatively, the minister claimed that if Mr Nolebe was injured outside KTC Bazaar, it was not police who caused the injury

Mr Justice H Berman reserved judgment in October last year on whether the amendment would be allowed In the interim, the minister decided to settle

Woman had bullets in bag evidence

Court Reporter

A KHAYELITSHA woman charged with possessing two bullets a policeman alleged he had found in her bag, appeared in the Magistrate's Court yesterday.

Miss Eunice Poni, 25, of Site D, pleaded not guilty to possessing a 1,76mm and a 1,79mm bullet in Sir Lowry Road, Cape Town.

Detective Constable Arnoldus Visser told the court he had been ordered to watch a restaurant and he had seen four black women leaving the premises. He had followed them up an alley and through a door.

He denied a submission by Miss Poni's attorney, Mr E S Davids, that he had placed the bullets in the bag during his search.

The hearing was adjourned to January 29.

Mr M J C Tolken was the magistrate. Mr C Gavin prosecuted.

Sjambokking policeman gets suspended sentence

By YVETTE VAN BREDA
Court Reporter

A POLICEMAN who assaulted three journalists working for foreign news services during the unrest in Belgravia Road, Athlone, in 1985 was yesterday fined R500 (or 180 days) in Athlone Magistrate's Court.

The sentence on Constable Granville Vlotman, 24, who is stationed at Athlone, was suspended for three years. He was charged with assault with intent to do grievious bodily harm after beating them with a sjambok on September 5, 1985.

The court heard that Mr Craig Matthew, a cameraman for the London-based Worldwide Television News (WTN), and Mr Murray Michell and Mr Gideon Mendel, both photographers for the Paris-based Agence France-Presse, were sjambokked while sheltering from birdshot and teargas.

Mr Matthew was sjambokked on the back of his head, his back and his hand. Mr Michell was beaten on his face and body and Mr Mendel was beaten on his back and arm.

They said they were crouching behind the wall of a house in Belgravia Road as police were firing teargas and birdshot at them. A Casspir had pulled up outside the house and Vlotman jumped out and ran towards them. He "just went mad" and hit Mr Mendel first and then the other two.

Vlotman said he had not known the men were journalists as he had not seen any cameras. He said he had wanted to arrest "stone-throwers", and thought the three on the stoep were "stone-throwers".

The magistrate, Mr D Visagie, said Vlotman should not have acted in the way he did without an order to do so, specially when there was a commander on the Casspir to give orders.

Miss Y Murray was the prosecutor. Mr I B Maartens, instructed by the State Attorney, appeared for Vlotman.

Laaiplek cafe violence: Three granted bail

Staff Reporter

TWO MEN and a youth appeared in Laaiplek Magistrate's Court yesterday on charges arising from a series of violent incidents which took place in the West Coast fishing village two weeks ago.

Mr Clive Liebenberg, 21, of Church Street, Laaiplek, Mr Stanford Don, 19, of St Christopher Street, Laaiplek, and a 16-year-old youth appeared on a charge of assault with intent to do grievous bodily harm to Mr Gysbert Johannes van der Westhuizen in the Oasis Cafe on January 3.

Mr Liebenberg and Mr Don also appeared on arson charges; and Mr Liebenberg appeared on his own on two counts each of public violence, attending an illegal gathering and malicious damage to property.

Bail of R500 was granted to Mr Liebenberg while R300 bail for Mr Don and the youth was extended.

They were not asked to plead, no evidence was led and the hearing was postponed to March 3 for further investigation.

Mr V Erasmus was the magistrate. Warrant Officer N J A Laubscher prosecuted. Mr Dullah Omar, instructed by Mr E Daniels, appeared for the accused.

Sapa

Security force man hurt

PRETORIA — The Bureau for Information said today that about 20 people had attacked a member of the security forces in Witlokasie, Port Elizabeth, yesterday. The member was seriously injured. No arrests were made and police investigations are continuing.

"Other reported unrest-related incidents comprised isolated stone throwings and petrol bomb attacks on vehicles and private homes. No arrests or injuries were reported in these incidents," the report said. — Sapa

Policeman sentenced

Staff Reporter

AN Athlone constable has been fined R500 (or 180 days) suspended for three years for assaulting three journalists in Belgravia Road, Athlone, in September 1985.

Constable Granville Vlotman, 23, pleaded not guilty in Athlone Magistrate's Court to three counts of assault with intent to do grievous bodily harm to Mr Craig Matthews, Mr Gideon Mendel and Mr Murray Mitchell, who represent foreign media.

The court found on Friday that he struck the men with a sjambok.

Cosatu, Inkatha, Uwusa and KwaZulu declare a 'truce' in stormy Natal

By S'BU MNGADI

DELEGATIONS representing Inkatha, the KwaZulu government, the United Workers' Union of SA and the Congress of SA Trade Unions declared an uneasy "truce" in the faction-torn Mandini township of Sundunbili in northern Natal this week.

The peace talks – held at the local Cosatu branch's request – came at the height of an alleged "armed siege" by vigilantes against Cosatu members.

Cosatu's local office was this week forced to close down after it was occupied by armed men.

Inkatha, KwaZulu government and Uwusa delegates at the meeting charged that Cosatu members – particularly Metal and Allied Workers' Union members at a local steel factory – had insulted Chief MG Buthelezi. They had said their authentic leader was Nelson Mandela, but Mandini was "Buthelezi's territory".

After stormy deliberations, delegates agreed to call on their unions to suspend attacks pending further peace talks next month – where Cosatu's 12-man delegation should include Mawu organiser Michael Mabuyakhulu.

Mabuyakhulu narrowly escaped death at the weekend when a heavily armed group tried to overturn his car as he sped off from a disrupted union meeting held in the office.

The same crowd allegedly proceeded to his brother's house where four shots were fired at the door.

The Cosatu delegation at the meeting alleged that Cosatu members who have been attacked include local Mawu chairman Jerry Mbonambi, Paper, Wood and Allied Workers' Union shopsteward Cyprian Mzimela, workers and shopstewards at a local paper factory "and generally everyone in the street wearing T-shirts of Cosatu-affiliated unions".

The Inkatha, KwaZulu and Uwusa delegations were led by Cedric Ndaba, Inkatha central committee member NE Zulu, and Alpheus Mtshali. Cosatu's delegation was led by Vincent Mthembu.

● Meanwhile – barely hours after the peace talks – resident Nathi Nkabinde, 23, was shot dead and his girlfriend Hlengiwe Mkhize, 19, injured when they refused to give a lift to a crowd of about 20 armed men, according to the Northern Natal police.

But residents alleged Nkabinde was mistaken for a Cosatu supporter who drives a similar kombi and that barricaded roadblocks were set up by vigilantes throughout the township.

Newcastle police spokesman Major J Brand said Nkabinde was teaching Mkhize to drive when 20 men approached them, carrying sjamboks and knobkieries

When they asked for a lift and were refused, one of the men shot Nkabinde dead and wounded his girlfriend.

Police said she was taken to Stanger Hospital with head injuries, but her condition was not yet known.

Later Brand said 21 men have been arrested in connection with the incident and were expected to appear in court soon.

5 SADF marines guilty of on-duty theft in Crossroads

CAPE TOWN — Five South African Defence Force marines charged with the robbery of two men in Crossroads while on duty in December last year were yesterday found guilty in the Mitchell's Plain Regional Court of theft.

Section leader Kieron Delaney (20), of Wingfield, was also found guilty of common assault, and Maresh Deendayal (20), of Isipingo Rail, was found guilty of assault with intent to do grievous bodily harm.

Spencer Carruthers (20), of Hout Bay, Deorath Dilrajh (18), of Chatsworth and Kevin Chetty (18), of Durban, were found guilty of stealing R80 each

A sixth marine, Victor de Lima (21), of Pinelands, was discharged at a previous hearing.

ADMISSION

The magistrate, Mr P A Louw, accepted Delaney's admission that he had picked up R500 dropped on the street by one of the fleeing men, which he knew was stolen money, and shared it out among the others.

He found Delaney guilty of slapping Mr Patrick Maliwa and the theft of R500 of which he kept R140 for himself.

At a previous hearing, the court heard that the group were on a patrol in a buffel in Langa and had decided to "bust a merchant" (a mandrax dealer) because they were bored.

They had stopped outside a shack where they suspected a dealer lived and asked the two men if they had mandrax to sell.

After the two were told they would have to go to the police station, they attempted to flee and a struggle ensued. One man got away and Deendayal assaulted the other.

Sentence was postponed until February 6. — Sapa.

Our bloody Sunday rampage

Reluctant 'witdoeke' tell of panga violence

Union officials recount how they were press-ganged into joining a roving band of panga-armed vigilantes who led them on a bloody rampage through township streets.

FRANZ KRUGER interviewed them in EAST LONDON

UNION officials say they were forced to join a band of *witdoek* vigilantes for a crazy rampage through Port Elizabeth's townships last weekend in which at least two people died.

And, in a startling inside account of how vigilantes operate, they claim to have come into contact with security forces three times — and not once were they stopped from attacking people.

The police have denied any collusion with the vigilantes, saying: "We are used to such allegations"

But members of the Paper, Wood and Allied Workers' Union (Pwawu), who say they were forced to join the vigilantes, insist that the band was seen by security force patrols, but were able to continue unhindered

The Pwawu members — 14 shopstewards and officials — had gone to PE for a union meeting

David Mabengeza, East London organiser for Pwawu, said they were confronted at a party early on Sunday morning by vigilantes from Uitenhage armed with "pangas, sticks, home-made swords, and pick handles"

"They wore stockings or balaclavas over their faces, and white sweatbands around their heads," Mabengeza said

"Almost all of them were wearing two-piece blue overalls like those worn by the *kits-konstabels*"

They told the unionists to go with them to a party for boys emerging from circumcision school

"We said we couldn't go but they took us anyway, telling us to walk in front of them"

As they left the house, one unionist said: "No comrades, leave us We are visitors" — but the vigilantes became angry and said: "We are not comrades, we are Africans. We are looking for the 'comrades' who burn people"

Mabengeza said "We thought they must be Azapo people, but there was no-one to help us

"They made us run to a group of about 20 people, also wearing white armbands"

A woman in the group pointed out a house allegedly belonging to a "comrade"

"They kicked open the door, dragged out a young man, and started beating him, asking him where they could find a man called Moli

"The man took them to another house, where they did the same thing

"Moli came out, and they started hitting him He fell down and they carried on hitting and stabbing until he died

"They were shouting 'We will clean up Port Elizabeth, there will be no more charterists, no more UDF'"

Mabengeza said he had thrown away a stick he had been given as Moli came out of the house, and pretended to look for one to avoid being forced to participate

Another of the shop stewards had also been given a stick and was beaten when the vigilantes saw he was not participating

The band left the body where it lay, and moved to another street where another house was pointed out to them.

"They did the same thing, kicking the door until a young man of about 24 came out They beat him as he came out, but stopped when one of the leaders said they needed some information from him

"They asked about some other 'comrades', and he pleaded with them — but they hit him again I saw him try to escape, but they caught him and killed him in the street," Mabengeza said

He said the band moved through Boast Village, Red Location and White Location, raiding houses and beating people.

Mabengeza said he realised the only way to escape would be to disguise himself as one of them.

"I gave one of them a cigarette and asked him for a white rag I tied it around my arm, and went across to two vigilantes searching another house When I saw they were both inside, I went around the back, jumped across the wall and ran away."

One of his colleagues, shop steward Hamilton Soga, stayed with the vigilantes, and said they had spoken of other bands acting at the same time, and they might have murdered other people. He said he had heard of a total of five deaths, but could give no details The police have said only two bodies were found after the weekend's events

Soga said they had come across security force patrols on three occasions, but the patrols had done nothing to stop them On the first occasion, Mabengeza said he had told the vigilantes: "Here are the police," in the hope they would flee. "But they asked why I was afraid, and said I should just move out of the road as they wouldn't do anything."

Soga said there was another encounter with a Casspir, in which he claims the police had asked what they were doing and taken away one of the UDF supporters flushed out by the band.

Later on, the vigilantes were confronted by a large group of township residents.

"People started throwing stones, and many of those who were forced to join the vigilantes fled. But then we saw the vigilantes had guns, because they took them out and started firing."

The people still attacked, though, and the vigilantes also started to flee.

Azapo has denied its members were involved in the incidents. A statement issued by Port Elizabeth branch chairman Ngcobo Nguna said: "We would like to advise the groupings that undertook such missions not to shield themselves by using the name of Azapo.

Major Eddie Everson, police liaison officer for the Eastern Cape, said the police were "used to allegations of police complicity".

He said the police "did not even know of the existence of vigilante groups".

"If there had been any encounters between such a group and the security forces, I would know about it," he said.

Murder dockets have been opened because two bodies had been found, he added, but nothing was known about the circumstances. — Elnews.

nday, January 26, 198

Police investigate murder after 'forces' kill man

Staff Reporter

DETECTIVES are investigating charges of murder in connection with the death of a 24-year-old Guguletu man allegedly killed by security forces

Witnesses claimed that Mr Colin Phandile Goba, of NY53, died from a shotgun wound in Fezeka Senior Secondary School grounds in Guguletu early last Saturday morning

Miss Olivia Morefi told the Cape Times that Mr Goba had been at a house in NY43 about 2am when another woman, Miss Sandralyne Tima Zulu, rushed off, apparently in anger, and entered the unfenced grounds of Fezeka school

She and Mr Goba followed Miss Zulu as they were worried about her safety.

Miss Zulu told the Cape Times she was stopped by four men she took to be "kitskonstabels" and questioned about her presence on the property

"I heard two shots from behind some classrooms. We went there and I saw six or seven police One of them had a torch and I saw Colin in the light He had been shot in the left side of the chest"

The next morning Mr Enoch Goba inquired about his son's death at Guguletu police station A detective and an assistant took statements from Miss Morefi, Miss Zulu and Mr Goba

The next day police wanted to know from the two women whether Mr Goba jnr had been carrying a knife at the time

Mr Goba's employer, Mr A J Jefferies, manager at a firm of chemical manufacturers, described him as an excellent and reliable worker

A police spokesman, Colonel Steve van Rooyen, confirmed from Pretoria that police were investigating a charge of murder. He could give no further details

● Members of the PFP's Unrest Monitoring and Action Committee have taken affidavits from Mr Goba, Miss Zulu and Miss Morefi.



Mrs Dora Goba holds up the shirt her son Colin was wearing when he was shot. The hole above the pocket, it is claimed, was made by a shotgun blast.

Picture FANIE JASON

Schoolboy will be jailed

THE campaign to save Gregory Harold Arthur, 19, of Retreat, a former Std 9 pupil at Steenberg Senior Secondary School, from prison has failed after the Appeal Court in Bloemfontein refused leave to appeal against his conviction and sentence. He was convicted in 1985 on public violence charges for throwing a stone at a policeman. In November 1985 his four-year sentence was reduced on appeal to the Supreme Court to three years' imprisonment, of which 18 months were conditionally suspended.

'Illegal gathering': Muslims in court

Cape Times 27/11/87

Court Reporter

EIGHT Muslims charged with attending an illegal gathering on the Parade soon after the Ned Geref Synod passed a motion declaring Islam to be a "false religion", appeared in the Magistrate's Court yesterday

Mr Mogamat Shahied Zottenberg, 19, of Fourth Street, Heideveld, Mr Nazeem Essack, 19, of Bryant Street, Cape Town, Mr Abdullatief Sterras, 49, of Bonteheuwel Avenue, Bonteheuwel, Mr Armien Arnold, 33, of Vink Street, Mitchells Plain, Mr Sulaiman Ernie, 34, of Afro Road, Mitchells Plain, Mr Gasant Petersen, 43, of Ironwood Street, Bonteheuwel, Mr Dawood Schloss, 18, of Vaal River Road, Portlands, Mitchells Plain, and Mr Moegsien Vallie, 40, of Peddie Road, Lansdowne, pleaded not guilty to attending the gathering, alternatively demonstrating in the open air in a defined area

Major H J Geldenhuys told the court that a group of about 20 to 30 people had gathered at the Parade on the steps of the statue opposite the City Hall on November 1 last year.

He said they had been singing in a language he did not understand and he had warned them to disperse. They had obeyed and moved towards the station, but minutes later they had regrouped into a crowd of 120 to 150 "unruly people". He had given the order to arrest the "ringleaders".

He said a total of 94 policemen had been at the scene Some policemen had been hurt during the dispersal and a bottle had been thrown at one of them.

Captain H Oosthuizen said there had been 50 to 100 singing people on the steps After Major Geldenhuys's warning, they moved, as a group, in the direction of the Golden Acre.

He had given an order "to two sections to disperse them by means of sjamboks. Mr Vallie had screamed: 'There's no freedom in this country, kill the dogs'.", he said. This scream was followed by a stone hitting his left ear.

After the second order to disperse he had ordered his entire platoon to sjambok the demonstrators.

"Some of them showed the black power sign and chanted in a complete different manner to the the singing," he said.

The hearing continues today.

Mr M J C Tolken was the magistrate Mr M B de Vries prosecuted Mr D Kawalski, instructed by E Moosa and Associates, appeared for the eight.

MG&M 28/1/87 275

Inquest told of fleeing youth being shot in chest

Tygerberg Bureau

A HALF-BRICK allegedly found in the hand of Clive Christopher Cupido, a Bellville teenager shot dead by a policeman, was ordered to be destroyed before it could be handed in as evidence, an inquest has been told.

Clive, a pupil at Kasselsvlei Senior Secondary School, died on August 29 1985 about 11pm after he was shot through the chest by Warrant Officer Gerhard Cloete of the Bellville police.

The inquest magistrate, Mr A N E Louw, found yesterday that Warrant Officer Cloete had "acted reasonably under the circumstances" and that no one could be held legally responsible for Clive's death.

At yesterday's hearing Mr Willem Pretorius, legal representative for the Cupido family, asked why Warrant Officer Cloete had not mentioned in his first formal statement to police that he had found a half-brick in Clive's hand and two more near his body.

"I'll tell you where those half-bricks really came from. You handed them in as evidence at the police station to cover yourself by saying that the man you had shot dead wanted to throw them at you," Mr Pretorius said.

Checked records

Warrant Officer Cloete denied this, saying he had looked up the whereabouts of the half-brick in the Bellville police station's "SAP-13 records" before the start of the inquest hearing yesterday.

His legal counsel, Mr D J van der Walt, handed in copies of these records as proof that the brick was ordered destroyed by a Captain van Schalkwyk on May 29 last year, 10 months after the youth's death.

Warrant Officer Cloete said he might have forgotten to mention the half-brick in his first report because "I was somewhat shocked on my arrival at the charge office because I had taken a man's life".

The policeman said he had seen Clive jump from the roof of a Bellville South flat building soon after a police colleague was pushed off the roof while pursuing fleeing teenagers. He chased Clive through the backyard of a dry-cleaning shop.

He shouted a warning but the youth jumped over a "six-foot (1,8-metre) wall". The policeman was pulling himself over the wall in pursuit when the youth turned towards him from about six paces away, making "a throwing movement".

Warrant Officer Cloete then fired a shot, hitting the youth in the chest.

CARE THIS 29/11/87

275 329 284

Laaiplek peace shattered by racism, court told

By ANDREW DONALDSON

THE "ugly face of racism reared its head" and ripped apart the harmony of Laaiplek, a resident told the Supreme Court yesterday.

In the urgent application for the release of Mr Henry Smeda and Mr Morgan Blaauw, both detained under emergency regulations following the violence that erupted in the village on January 3 and 4 this year, police were also blamed for a "large portion" of the violence A policeman and a 17-year-old youth were killed

Mr S Desai, who appeared for the applicants, said the action, brought by Mrs Yvonne Smeda and Mrs Blanche Lorna Blaauw, had "lost its urgency" as both Mrs Smeda's husband and Mrs Blaauw's son were either released from detention or in the process of being released

Mr Justice H L Berman postponed the matter for trial to determine costs.

The respondents were the ministers of Law and Order and Justice and Prisons, the Divisional Commissioner of Police for the Boland and the Officer Commanding Victor Verster Prison — none of whom defended yesterday's action

In her affidavit, Mrs Smeda said Laaiplek had been unique because of the apparent lack of boundaries between "so-called black and white areas" She said there had been "a great deal of goodwill, based on mutual respect and trust for one's fellow man irrespective of colour, religion or ethnic differences"

"The peace and tranquility of Laaiplek was rudely shattered on January 3 when the ugly face of racism reared its head." Mrs Smeda described how a café owner, a Mr Greef — "who has, ironically, always been regarded by the residents as a kind gentleman", had reacted to an incident in which a customer had called another a "Hotnot"

"A fight ensued and this person was severely beaten. The wife of the assault victim appealed to Mr Greef for help," she said.

By this time a crowd had gathered and shots were fired by Mr Greef, fatally wounding a youth, Jonathan Slabbert, she claimed

Local police, stationed 50m from the café, failed to react, she said.

On Sunday, a crowd gathered at the police station, demanding action. She said they "were angered by the racist slur and inability of the police to act. The police, it seemed, were not prepared to arrest Mr Greef, a white person, for shooting a black youth", Mrs Smeda said.

The crowd was dispersed with teargas and birdshot after a number of stones were thrown at Mr Greef's café. In this action, a policeman was fatally injured. Eight people were arrested the following day, January 5, she said.

"The police themselves must bear a large portion of responsibility for the violence which flared up briefly in Laaiplek, because of their failure to arrest Mr Greef who, to this day, has not been arrested," she said.

Mrs Smeda's affidavit was supported by an affidavit from Mrs Blaauw, mother of Mr Morgan Blaauw

Mr Desai was instructed by Enver Daniels and Company

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CAPE TIMES 29/1/87 P75

Last scenes on dead man's film

THESE people were among the last to be captured on film by freelance cameraman George De'Ath before he was attacked with pangas while filming fighting between right-wing "witdoeke" and radical "comrades" near the KTC squatter camp last year for Independent Television News.

These men appear in the seconds before the film went blank.

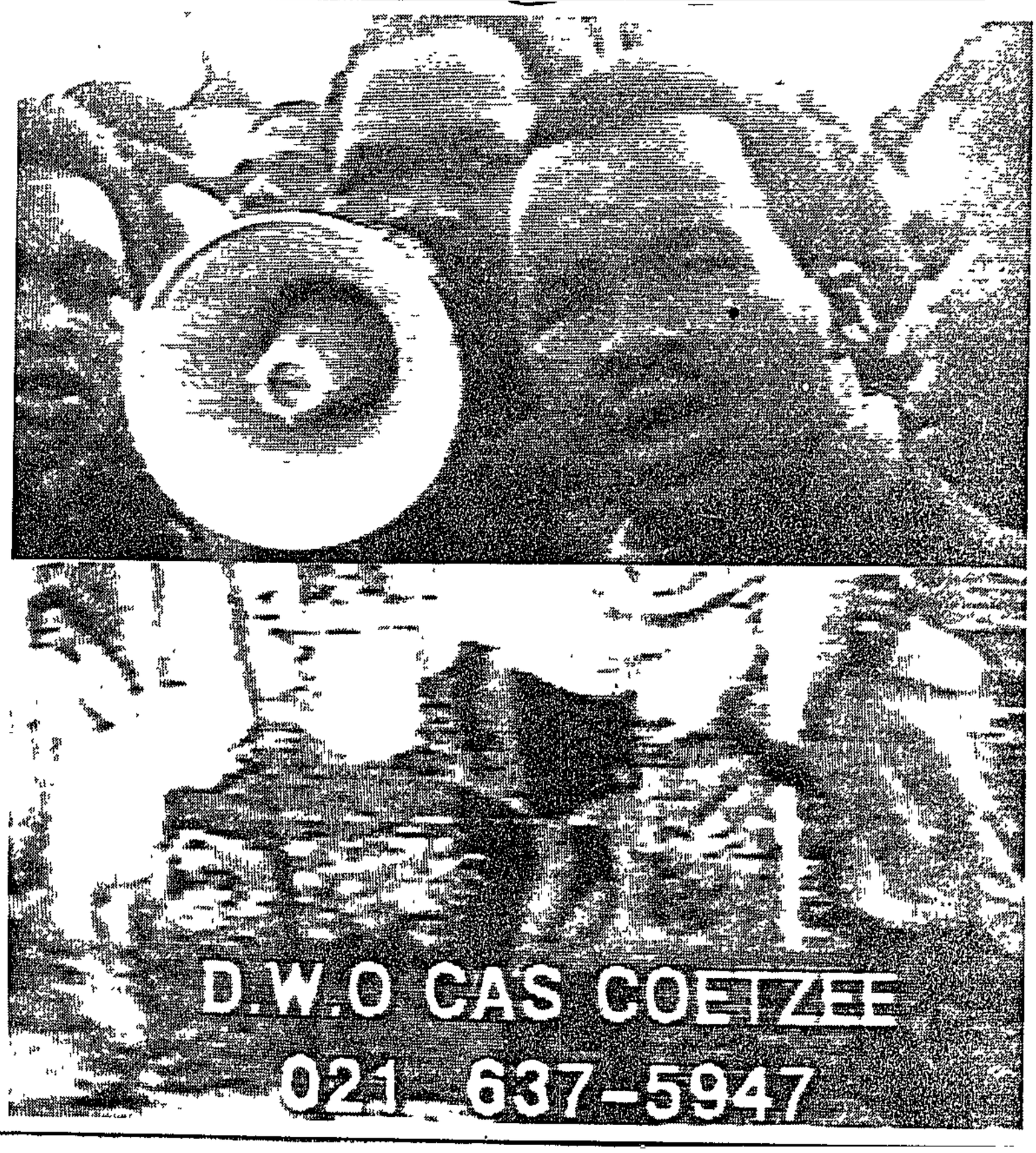
There is nothing to indicate that those shown in the film had anything to do with Mr De'Ath's death, but police believe they may hold vital clues and have asked them to come forward.

There is a reward of R2 000 to anyone supplying information that will help convict the killers.

Anyone with information is asked to contact Detective Warrant Officer Cas Coetzee at 637-5948.

□ ITN yesterday donated R25 000 to the Natal Technikon for an annual bursary for a second-year photographic student in memory of Mr De'Ath.

"... the bursary is a gesture to mark the tragic loss of George and a lasting recognition of what he stood for," an ITN representative, Mr Peter Cole, said.



No one legally responsible for man's death

A HALF-BRICK, allegedly found in the hand of a teenager fatally shot by a policeman, was ordered destroyed nine months after the young man's death but before it could be handed in as evidence at his inquest.

Clive Christopher Cupido, 19, was shot in the chest by Warrant Officer Gerhard Cloete and died on August 29, 1985.

A Bellville inquest magistrate, Mr A N E Louw, found that no one could be held legally responsible for Mr Cupido's death.

W/O Cloete's legal representative, Mr D J van der Walt, handed in copies of records as proof that a Captain Van Schalkwyk had ordered the brick destroyed, nine months after Mr Cupido's death, on May 29 last year.

Counsel for the Cupido family, Mr W Pretorius, asked W/O Cloete why he had not mentioned the half-brick found in Mr Cupido's hand and two others near his body in his first statement to the police.

W/O Cloete said he may have forgotten to mention the half-brick in the first report as he had been "somewhat shocked" at taking a man's life. He denied having handed the bricks in as evidence to "cover" himself by saying that Mr Cupido had wanted to throw the bricks at him.

W/O Cloete said he had pursued the young man who scaled a "six-foot wall". As he was pulling himself over the wall Mr Cupido turned to him from about six paces away making a "throwing movement".

The policeman had fired a shot which hit him in the chest.

Cape Times 29/1/87 285 275

Action on 'sjambokked' girls

By ANDREW DONALDSON

TWO separate actions for damages against the Minister of Law and Order by parents of University of Cape Town students, allegedly injured after being sjambokked by police in 1985, will be heard together as a single case in the Supreme Court next month.

An application for the consolidation of the two actions — arising from police action after a protest march by UCT students in Rondebosch on August 8, 1985 — was granted yesterday by Mr Justice H L Berman.

The application, on behalf of the women students' fathers, Mr Michael John Larkin and Mr Arnold Berthault van der Riet, was brought by attorney Ms Andrea Durbach and was not opposed.

Mr Larkin's R20 000 claim against the minister for damages follows the alleged illegal assault, arrest and subsequent detention of his daughter, Miss Clare Elizabeth Larkin.

He has claimed that his daughter was assaulted by police who struck her with a sjambok or quirt and dragged her across Burg Road and pushed her into a police van and subsequently arrested her on a charge of contravening the Internal Security Act. She was then held at Rondebosch police station and at Pollsmoor Prison until her release the following day.

An objection to the charges against her and other students was upheld following an appearance at Wynberg Magistrate's Court on October, 24, 1985, Mr Larkin said.

Replying to Mr Larkin's claim, the minister confirmed Miss Larkin's arrest and detention — but claimed these actions, including the allegations about the sjambokking, were lawful.

Even if Miss Larkin had not taken part in the protest but was in "close proximity" to the protesting students, the minister said, she had "voluntarily assumed the risk of harm being caused to her by members of the police force who were acting lawfully".

He further denied that Miss Larkin was assaulted and that the charge against her was "quashed", but claimed it was withdrawn by the public prosecutor. Accordingly, the application should be dismissed with costs, he said.

Details of Mr Van der Riet's action against the minister were not before the court.

Mr John Whitehead, instructed by Ms Durbach, of Bernadt, Vukic and Potash, appeared for the parents.

'Desperate' call: PFP to probe alleged refusal

By ROBERT HOUWING
Staff Reporter

THE Progressive Federal Party is to table questions in Parliament about the alleged refusal of a telephone operator to put through a "desperate" call to Paarl police headquarters after violence at Laaiplek.

The Post Office is investigating the allegation.

Jonathan Slabbert, 17, died after being shot during violence which flared on January 3 after an alleged racial incident in the West Coast town.

Appeal

An account of the incident was given yesterday in an application in the Supreme Court for an urgent interdict ordering the release of two Laaiplek men detained for three weeks at Victor Verster Prison.

The application was postponed for costs after the court heard that Mr Henry Smeda, a carpenter, and fisherman Mr Morgan Blaauw were being released.

Mr Smeda's wife, Mrs Yvonne Smeda, said in an affidavit that her husband, a "respected member of the community", had appealed to Laaiplek police to defuse the situation.

She said people were angry because the police did not arrest the white man who allegedly fired the shots.

"Swore"

Mr Smeda, 47, who was released on Monday, said yesterday that he "tried desperately" to telephone the Boland police headquarters in Paarl to report the shooting.

"I made the call about 9pm. The operator at the Velddrif manual exchange swore at me and refused to put the call through. I was outraged."

Mr Smeda said he complained to the town's postmaster. "He said I should put it in writing, but I did not get the time to do that — I was detained the next day."

The PFP spokesman on communications, Mr Alf Widman, said he would table questions and seek an explanation in Parliament.

Mrs Val Rose-Christie, regional co-ordinator of the party's Unrest Monitoring and Action Committee (Umac), said they would raise the issue with the authorities as they viewed the allegation "in a very grave light"

"A well-meaning person, acting in the interests of a family who had just experienced the trauma of the violent shooting of their son, should have access to the police.

Discipline

"We hope the correct disciplinary action will be taken if the person is found to have acted in such an authoritarian manner."

A spokesman for the Department of Posts and Telecommunications in Pretoria said: "A complaint had been filed and the matter is being investigated."

He said he would contact The Argus "the moment the findings are made known".

Carl Times
275
ay, January 30, 1987

Answers: Court warns policeman

From SHAUNA WESTCOTT

WORCESTER. — A Ceres policeman giving evidence at an inquest on a Zwelethemba youth who died of multiple shotgun wounds, was yesterday warned repeatedly against giving answers that might incriminate him.

The magistrate, Mr J P Botha, earlier asked the lawyer appearing for the Minister of Law and Order to alert Constable Christiaan Geldenhuys to his right to remain silent on possibly incriminating questions put by counsel for the youth's family.

According to a pathologist's report, William Dyasi, 18, died of shotgun wounds.

Constable Geldenhuys said that about 9.40pm on November 3, 1985, he and Constable Michael Luff went on foot to investigate an "attack" on the community hall at Zwelethemba, Worcester.

He was armed with a pistol and 16 rounds and a shotgun with five rounds of heavy-calibre SSG shot and 10 rounds of buckshot.

He saw about 15 youths throwing stones at the hall but went past them to speak to the Development Board guard inside the hall. He and Constable Luff then went outside again.

"After we heard about nine panes of glass break and a number of stones fall on the roof, we fired on the crowd," he said

Constable Geldenhuys said that after Constable Luff fired one shot he saw a youth wearing a light-coloured shirt and dark pants bend "as if he wanted to pick up another stone". He fired a round of SSG at him and Constable Luff fired a second time.

The youths then ran away.

Constable Geldenhuys said that at 1.30am on the same night he and Constable Luff entered a shack where they saw a youth lying on a mattress on the floor, with a bloodstain on his shirt. He recognized this youth by his clothes as a stone-thrower The youth stood up when told he was under arrest for public violence.

Constable Geldenhuys, who stayed in the shack to search for more wounded people, then heard a thud, heard Constable Luff shout "Stand still" and then heard a shot.

He ran outside and Constable Luff told him the wounded youth had tried to escape and he had shot him after falling. The shot of SSG was fired from 11 metres.

William Dyasi was certified dead on arrival at hospital later.

The inquest continues on March 17.

Mr C Kempff led the evidence. Mr Joel Krige, instructed by the Legal Resources Centre, represented the Dyasi family Mr P J Badenhorst of Robertson, Botha, Kotze and Badenhorst of Worcester, represented the Minister of Law and Order

CAPE TIMES 30/11/87

People's courts: 52 appear

Court Reporter

FIFTY-TWO people who have been in detention for almost eight months appeared in Mitchells Plain Magistrate's Court yesterday on charges of sedition and assault as a result of allegedly attending or conducting "people's courts".

The detainees, whose ages range from 17 to 37, are from Guguletu, Nyanga Bush and KTC. They appeared in three groups and were not asked to plead.

One of the groups appeared in camera as three of them were minors and only the parents of the 17-year-olds were allowed inside. The first group was: Moses Faku, Aubrey Matrose, Lulame Matabeni, Tlabo Mangeni, Mongezi Mavata, Vukile George, Shadrack Somo, Michael Mduzulwana, Patrick Ncapayi, Solomon Numi, James Mngqibisi, Zangisele Myekiso, Patrick Eleke, Getwa Pheni, William Kompeni, Vuysile Mephi, Gerald Booi, Peter Menye, Bala Mfungusa, Gilbert Bala, Ngeba Godwana and three 17-year-olds.

The second group was: Khuselwa Vata, Mvusyisi Mhlanga, Nomasoni Jacobs, Philip Mnitshane, Layiso Ngqolo, Lizo Nqcuka, Bongile Siwahle, Lindile Jokwe, Nceba Chagne, Suminsene Zondo, Ntinbetle Sema, Tsusita Zihythle, Headman Choldize, Mchezonzi Mpunyi, Zomseti Maweya, Kutwana Mtuzaheli, Muthazeli Madikane, Monde Felike, Zola Bljhina and Zinzaheli Tshanbe.

The third group was: Andile Sweni, Vuyisile Grotelo, Ntu Yakwe Daweti, Loyiso Ngqolo, Lutouba Zithouphite, Nuloseleli Mpunzi, Kutwana Mpayitheli and Nieba Chagwe.

The hearing was postponed to February 27.

Mr W B Monk was the magistrate Mr S Duffett prosecuted Mr B Waglay, Mr E Daniels and Mr L Padayachi appeared for the detainees

Vaal Times 31/1/87 (37)

SAP captain in court

PORT ELIZABETH. — A former Fort Beaufort police station commander, Captain Gerrit Grobblaar, is to appear on March 23 in the local Magistrate's Court on eight counts of common assault. In a brief appearance earlier this week, Captain Grobblaar was not asked to plead and no evidence was led.

4 burnt schools to be rebuilt

By MIKE MABUSELA

FOUR schools in Port Elizabeth and Uitenhage, destroyed by arsonists during unrest, are to be rebuilt when conditions return to normal.

In the meantime, prefabricated buildings will house pupils.

The liaison officer of the Department of Education and Training, Mr Peter Mundell, said yesterday the rebuilding of the Kwazakele and Masibambane High Schools in Kwazakele and two Uitenhage schools would cost the department millions of rands.

He said the department was building prefab high schools at Kwamagxaki and Motherwell to accommodate as many pupils as possible for the 1987 school year.

Uitenhage's Kwanobuhle township will also get two prefab high schools.

African student teachers would be accommodated at the old Samcor building in Port Elizabeth, Mr Mundell added.

man's Peak look out — not far shank might be dead.

Pupils to accompany Arthur to Pollsmoor

ACCOMPANIED by fellow pupils and teachers, former Steenberg High School pupil Gregory Arthur will leave home for Pollsmoor Prison this morning to begin an 18-month sentence for throwing stones at police in 1985.

His imprisonment follows the failure of a petition signed by 25 000 people — including Archbishop Desmond Tutu — to stave off his sentence and a failed petition to the Appellate Division for leave to appeal.

Notice that he would have to start his jail term was received last week.

Gregory was 19-years-old at the time of his conviction on public violence charges.

At the end of a Supreme Court appeal in October last year, his original four-year sentence was reduced to three years, 18 months of which were suspended.

Throughout the trial Gregory denied throwing stones.

The campaign co-ordinators were this week trying to prepare Gregory for jail and arranging for him to write matric in prison.

The campaigners hope to have him released in six months' time, when he becomes eligible for parole.



Picture: PETER STANFORD, The Argus

Graeme Pollock signs for a fan after his "swan-song century" at St George's Park yesterday.

● **Pollock's great innings — Page 14.**

Latest

Policeman stoned to death

Crime Reporter

A POLICE special constable was stoned to death and set alight in Guguletu while walking home early today.

Constable L S Kondlo, of NY 89, Guguletu, was walking home about 3am when he was allegedly attacked by a group of people who stoned him to death. Paraffin was then poured over his body and set alight.

It is understood that Constable Kondlo was off duty at the time of the attack.

Thirteen people have been detained for questioning in connection with his death.

Mosque-sale attorney's house petrol-bombed

ARGUS 2/2/87 HP 275

Staff Reporter

THE home of Mr Mohamed Rashaad Khan, the attorney acting for the Ahmadi sect in a legal wrangle over the costs of a court case and the sale of Muslim property, has been petrol-bombed.

Mrs Nazeema Khan said the family were asleep in their Elwyn Road, Crawford, home on Saturday night when the bomb was hurled through a front window. The first indication they had of the incident was the burglar alarm going off.

"I got up to turn it off because I thought my husband had set it off accidentally," she said. "Then I saw a red haze in the passage and my husband shouted: 'Nazee! Get the children!'

"I ran into their bedroom and choked in the thick smoke. They were fast asleep and we had to drag them out."

"OUT TO KILL US"

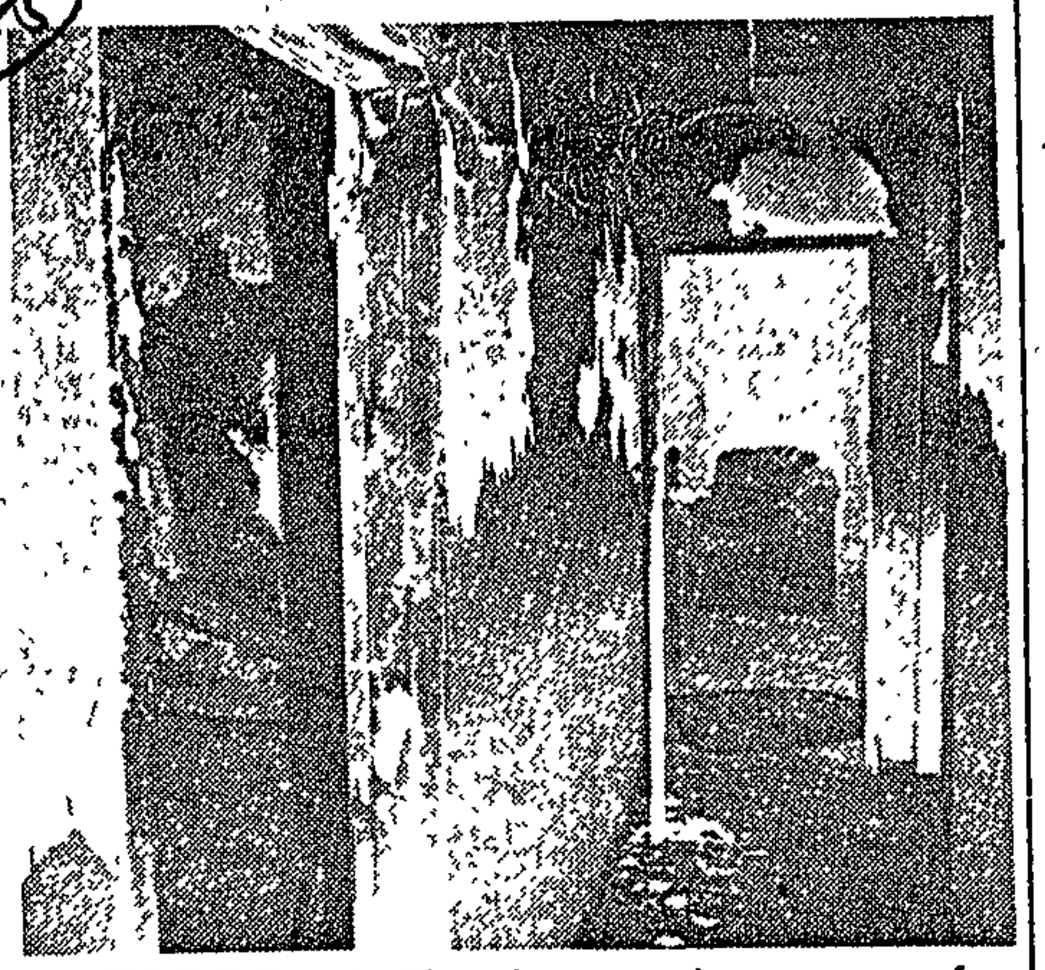
Two passersby snatched a garden hose and began fighting the flames, which gutted a front room and caused extensive smoke damage in the rest of the house.

"They were out to kill us, I'm sure," said Mrs Kahn.

● Mr Khan acts for Mr Ismail Peck of the Ahmadi sect, who obtained a Supreme Court order declaring him a Muslim and giving him the right to enter the Masjied Jamie Mosque and to be buried at the Vygieskraal cemetery.

He was awarded costs. The mosque and a portion of land adjoining the cemetery have been attached pending their sale to cover the mosque committee and the cemetery board's share of the costs.

The properties were due to be auctioned on Thursday, but the sales have been shelved by the deputy sheriffs of Cape Town and Wynberg until a Supreme Court order giving a go-ahead is obtained.



FIRE BOMB: The damaged passage of the Khan home where a petrol bomb was thrown into the room on the left.



MOSQUE DISPUTE: The historical Masjied Jamie Mosque on the corner of Dorp and Long Street.

'Rugby tackle saves Queen from



The Argus Foreign Service

LONDON. — Senior police officers are refusing to confirm a newspaper report that the Queen was forced to flee from a madman at Sandringham.

lock the door. A burly policeman is said to have rugby-tackled the intruder just five metres from the door.

The man, now in a psychiatric hospital in London, appar-

night.

AR645 3/2/87

Parole for Gregory after six months?

Staff Reporter

THE attorney acting for Gregory Arthur, the former Steenberg High School pupil who has begun his 18-month sentence for public violence, plans to apply for parole.

Mr Thaabit Albertus said today Gregory would be eligible for parole in six months.

Gregory, 21, was convicted of stoning police in 1985.

A petition to the Appellate Division for leave to appeal failed. He received a notice last week that he would have to serve his sentence.

He reported to Pollsmoor Prison yesterday. Relatives, friends, teachers, and members of Manchester Rovers Footbal Club, of which he was a member, accompanied him

987 X CAPE TIMES 3/2/87 275

Gregory weeps at Pollsmoor

By CLARE HARPER

GREGORY ARTHUR, the former Steenberg High School pupil convicted of throwing stones at police in 1985, burst into tears when he arrived at the gates of Pollsmoor Prison yesterday to begin an 18-month sentence.

And a spokesperson for the Archbishop of Cape Town, the Most Rev Desmond Tutu, said the archbishop was "even more concerned than ever about Gregory and will visit him in Pollsmoor at the first available opportunity".

"It is sad that despite the enormous community concern over his imprisonment, Gregory still has to go to jail," the spokesperson said.

Earlier at home, Gregory appeared subdued, but hopeful of an early release. He becomes eligible for parole in six months' time.

Notice that he would have to start his jail term was received last week, after his petition to the Appellate Division for leave to appeal failed.

Surrounded by weeping schoolfriends, teachers and members of the Manchester Rovers Soccer Club, of which Gregory was a popular player, he could not hold back his tears.

A schoolfriend, Albert Wessels, who accompanied Gregory to the prison gates, said: "This place is not for him Everybody is going to miss him."

His mother, Mrs Margaret Burger, said she could not express herself, but was "very sad" the petition had failed

His attorney, Mr Thaabit Albertus, said Gregory had no previous convictions.

A teacher said Gregory's imprisonment was "a waste of at least six months of his life".

Mr Esham Palmer, one of the co-ordinators of the campaign to save Gregory from jail, said Gregory had received counselling from Nicro to prepare him psychologically for jail.

He said they hoped Gregory would be given a cell of his own, to help his studies. Mr Palmer said the committee would continue to support Gregory



Former Steenberg High School pupil, Gregory Arthur (centre), outside Pollsmoor Prison with his mother, Mrs Margaret Burger, and cousin, Harry Arthur.

Picture: ANNE LAING

CAPE TIMES 3/2/87 275

Constable was warned to quit

'I am hungry, I must eat' — policeman

By EBRAHIM MOOSA and JOHN van der LINDEN

MURDERED Guguetu "kitskonstabel", Mr Solomon Kondlo, 23, was warned several times to quit the police force before he was stoned to death and set alight by a mob early yesterday morning.

"I'm still at a loss," his father, Mr Davis Kondlo, said at his NY 89 home yesterday.

He explained why his son had joined the police force last December and told of the constant fear the Kondlo family had been living in since then

'Jobless'

His son had been disillusioned by constant unemployment and took up employment as a policeman as a last resort rather than out of choice, Mr Kondlo said.

"I was not happy that he worked for the police. When I heard he was in the force I asked him to resign from duty. Otherwise I told him to go to the government to give him a special room and safe place to stay.

"Last December our house was attacked with petrol bombs on two occasions — December 15 and 16."

The dead policeman's sister, Mrs Thelma Ngayi, said she had also asked her brother to leave the police force because of the constant threats and fear the family suffered.

"But he said: 'I am hungry. I must eat and work and buy myself clothes'," Mrs Ngayi said.

'Pregnant'

She explained that Solomon had only planned to earn some money, after which he intended to start a business of his own.

Mrs Ngayi said his girlfriend was expecting his child.

On the night before Constable Kondlo's death, neighbours told him not to risk walking to work on his own, she said. The police vehicle came to fetch him as normal, but as he was not ready for work he told them to leave as he would walk to work.

He was attacked by a mob on the corner of Bernice and Marrion roads near his home.

His brother-in-law, Mr John Ngayi, said that the only obstacle which had prevented him from resigning was the 10-year contract he had signed.

'13 held'

A spokesman for the Bureau of Information in Pretoria, Mr Carel du Toit, confirmed the death of Special Constable Kondlo.

Police investigating the murder shortly after the killing detained 13 people for questioning.

According to the bureau he was married with one child. He was one of the first batch of special constables which completed their training in October last year. He was stationed at Nyanga

It is believed that he had not been armed when attacked by the mob which used paraffin to set his body alight. There were no indications that he had been "necklaced".

Mr Jan van Eck, MP for Groote Schuur, last night called for the withdrawal of the "kitskonstabels" from the townships, saying that they had been a "source of conflict since their inception.

"This brutal death is symptomatic of the alienation that exists between them and the community." he said.

Stoning

The bureau's unrest report said yesterday: "Special Constable L S Kondlo of Guguletu was murdered at approximately 03h00 (yesterday) morning. It is suspected that he was stoned before being doused with a flammable liquid and set alight. Thirteen black men have been detained for questioning."

The bureau also reported that about 20 black radicals set fire to a house in Orlando East (Soweto) yesterday. Two black men were slightly injured. Damage to the house was minimal. No arrests had been made.

In New Brighton, Port Elizabeth, a group of blacks stoned a security force vehicle. A security force member was slightly injured and a black man was arrested.

Several incidents of stoning buses, resulting in minimal damage, were reported in Soweto. No arrests had been made.



Mr Davis Kondlo, father of murdered Special Constable Solomon Kondlo, points to the damage to their house caused by attacks last year. Picture: EBRAHIM MOOSA

Argus 3/2/87 (275)

Policeman tells how he drove blazing car to safety

By STEPHEN WROTTESLEY
Crime Reporter

A POLICEMAN has described how he drove his burning patrol car to safety with his left arm shattered after a grenade exploded in the vehicle

Warrant Officer H C J "Barrie" Barnard was giving his first interview since the blast four weeks ago, which killed a colleague and injured him and a police reservist

He believes the attack was an assassination attempt and that he was the target.

Warrant Officer Barnard, 39, a member of the Reaction Unit and with more than 20 years of police experience, said he, Constable Gysbert "Lappies" Labuschagne and Reservist Constable Gordon Langford were on a crime-prevention patrol in Guguletu on the night of January 9 when they were attacked.

Constable Labuschagne was sitting next to him and Constable Langford was in the back

"We were driving in Terminus Road. All the lights (in the township) were out and it was about 11.30pm.

"It was very dark and we passed a truck on the left-hand side of the road, on the passenger side of the car

"As we drove past it, I saw four or five people sitting on a concrete wall. As I went past, the window in the left rear door shattered.

"I realised something had hit it and thought it was a rock As I stopped, the grenade went off. I didn't really think it had gone off in the car.

"I shouted 'grenade' and got out of the car and ran towards the people who were behind the car.

"At that stage I had my firearm in my right hand. I realised one of them had thrown the grenade. I tried to cock my gun and felt my left hand was out of action

"In the light of the car, I saw Gordon collapse in the road. I realised he was out of action I went back to the car and saw Labuschagne slumped in the front seat and he was out of action, too.

"I realised we had to get away I went to Gordon and got him standing and helped him back to the car.

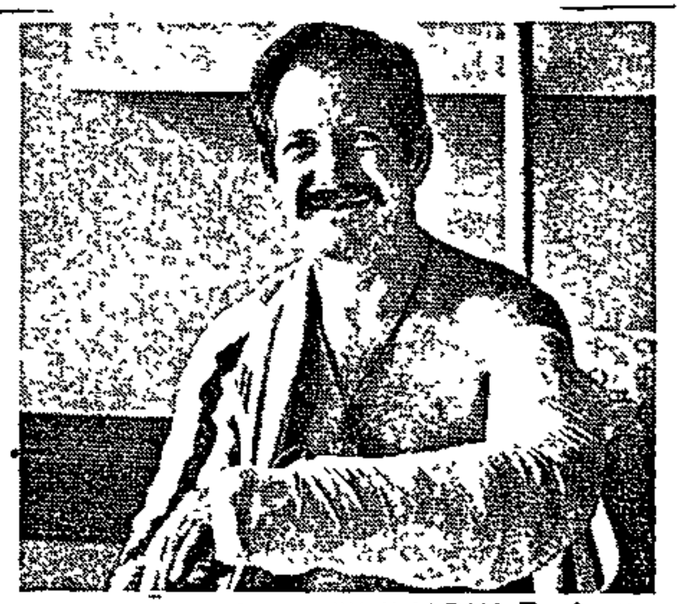
"As I was about to get in, I saw my part of the car was smoking I thought we might have been hit by a petrol bomb."

Warrant Officer Barnard said he put out the fire and started driving to safety. About 1km from the scene, the other side of the car started burning.

"I lost consciousness while driving. The next muinute, I remember I heard a bang and we hit the kerb on one side of the road and then the kerb on the other side.

"I regained full consciousness, got through the gate at the police station and reported. The fire was then put out."

Constable Labuschagne died.



Picture JIM McLAGAN, The Argus

WOUNDED: Warrant Officer "Barrie" Barnard describes how he drove a burning vehicle to safety after a grenade exploded inside it.

Academic stood in way of police 'to defend daughter'

ARGUS 3/2/87 28

Tygerberg Bureau

DR Richard Stevens, head of the department of biblical studies at the University of the Western Cape, told a Goodwood magistrate he stood in the way of policemen to defend his daughter when he saw them hitting her.

Dr Stevens, 41, and Mr Steve Louw, 28, a Belhar teacher, are charged with convening or organising a demonstration within 500m of the Goodwood Magistrate's Court. They have pleaded not guilty.

The trial arises from an incident in May when about 150 pupils from a Belhar school went to the court for the appearance of a fellow pupil accused of arson, and were dispersed by the police.

Dr Stevens said he was inside the court building when he noticed police and "small, peaceful" groups of pupils from Belhar Senior Secondary School outside.

He had gone to the court to pay bail for the pupil, who he knew from his work in Elsies River.

His daughter, who attended the school, was among the pupils.

He said: "I saw my daughter inside and saw them hitting her and my words to the police were: 'I don't hit my daughter and neither will you.' I reacted as a father because I saw them beating up my child."

For this reason he stood in the way of the police.

He denied addressing the pupils or organising a demonstration.

"UNNECESSARY BEATING"

He said: "I made hand movements towards the police when I was protecting my daughter."

He agreed that he sympathised with the children when they were running away from the police.

"The children were being beaten unnecessarily," he said.

"The pupils could not have provoked the police to such an extent that they needed a beating. That was not the way to disperse the pupils. They did not give the police reason to act that way."

Mr Louw said he accompanied the pupils to court as their supervisor and teacher and denied organising a demonstration with Dr Stevens.

They did not even know each other at the time.

Defence counsel Mr L Rose-Innes said the State would have to prove that the incident was a demonstration.

He said: "It is the fundamental right of any person to attend court proceedings and it would be a sad day if people were considered to be attending an illegal gathering when exercising that right."

The hearing was adjourned until Thursday.

Police held in killings

Cape Times 4/2/87

JK

JK

Own Correspondent

PORT ELIZABETH. — Three "kitskonstabels" have been arrested after four people were killed and five wounded in a gunfight in Grahamstown on Monday night.

And in Mdantsane near East London, six people were hacked and bludgeoned to death on Sunday night and their piled-up bodies soaked in petrol and set alight, police said yesterday.

Police have launched an investigation into the Grahamstown killings, police confirmed yesterday.

Shots were allegedly fired about 9pm by three "kitskonstabels" keeping watch at the new Samuel Ntsiko School in Victoria Street, Tantyi. They killed Mrs Topsy Peter, 51, Mrs Sontweni Mantini, 24, her husband, Phikile, 26, and Mr Lele Mbenge, 24.

'Suspended from duty'

Only one of the five people injured in the incident — a 50-year-old man — was seriously hurt.

According to a police statement, the three "kitskonstabels" have been suspended from duty and are in custody. The statement said police were urgently investigating "the justifiability of the actions" of the "kitskonstabels". "All three members were suspended from duty and are in custody," it said.

One unidentified resident said it appeared the "kitkonstabels" had gone into a house in Victoria Street and started shooting at people inside.

The gruesome killings in Mdantsane were apparently carried out to avenge the fatal stabbing of Mr Mkhuseli Jaambi, 22, of Zone 1, in a shebeen fight the previous night.

Serious burns and injuries

The pyre of charred bodies was discovered in a scrapyard near Mdantsane station after one of the victims, Mr Mbulelo Willem Tutu, escaped and raised the alarm after being left for dead by the attackers. Mr Tutu was admitted to Cecilia Makiaane Hospital with serious burns and injuries.

The identities of the dead men — all aged between 18 and 22 — have not yet been released.

One resident said she saw a group of men armed with assorted weapons conducting a house-to-house search about 8pm for the youths responsible for Mr Jaambi's death.

Ciskei police said it appeared that the six had been bludgeoned and hacked with blunt instruments and pangas. Their bodies were then piled up and covered with grass, tyres and petrol before being set alight.

They said 30 men had been arrested and would appear in court soon.

ARGUS 4/2/87 (28) 27

Constables held after four die in shooting

Argus Bureau

PORT ELIZABETH. — Three special constables have been suspended from duty and held in custody following a shooting incident in Grahamstown in which four people died and five were wounded.

A police spokesman said the incident happened about 9pm on Monday when the constables were on guard duty at the Samuel Ntsiko School in Tanje township outside Grahamstown.

The spokesman said the constables alleged they had come under fire and fired back. He said the dead and wounded had been in a house near the school.

Those killed were Mrs Topsy Peter, 51, Mr Phikile Mantile, 26, and his wife Mrs Sontweni Mantile, 24, and Mr Lele Mbenge, 24.

Four of the five wounded were treated at Grahamstown's Settlers Hospital and discharged. The fifth had an emergency operation on his arm.

The spokesman said police were investigating the actions of the special constables and said the three were in custody.

Sergeant tells inquest of death shots from Casspir

Staff Reporter

A POLICEMEN told an inquest court today he fired five shots with his R-1 rifle at Mr Abdul Karriem Friddie during unrest in Thornton Road in October 1985 after Mr Friddie had fired at his parked Casspir.

Sergeant Frederick Christian Engel was giving evidence at the inquest on Mr Friddie, 29, of Grassy Park.

He said: "Mr Friddie was behind a tree when I fired my fifth shot — he fell so that part of his body was in the road, between 40m and 50m away from me. He didn't move.

"Earlier I had seen this man running in the middle of the road. The first sign of aggression from him was when he pointed his arms towards us.

SAW FLAME

"I didn't see a weapon in his hands. I saw only a flame as he fired a shot and I heard a gunshot.

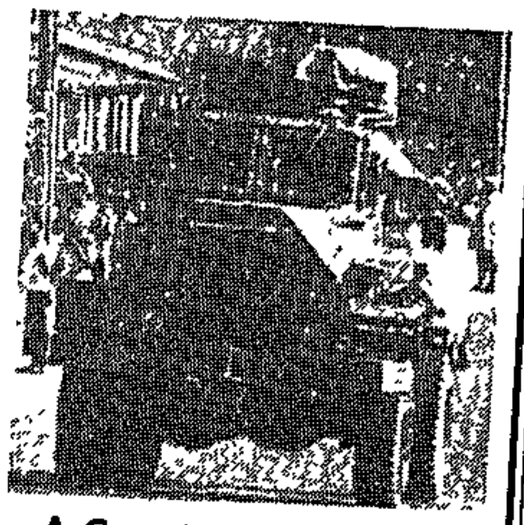
"When he fired his second shot we were firing back, so I couldn't hear his shots. I merely saw the flame."

Sergeant Engel said there was general unrest near where his Casspir was parked in Thornton Road.

"The road was blocked by burning vehicles and barricades of flaming tyres.

"Behind the tyre barricades walls of sand had been built up to a height of about 1,5m."

He added that his Casspir had tried to get nearer the fallen body of Mr Friddie, but could not because more shots were fired and cars were blocking the road.



A Casspir police vehicle.

Mr M B de Vries, for the State: Was it necessary to shoot the man when he was behind the tree?

Sergeant Engel: Yes. We had to remove the burning tyres because Thornton Road is one of Athlone's main roads.

POLICEMAN SHOT

And earlier that evening a policeman had been shot near there. We could have been shot through the shooting hatches of the Casspir, which are about the size of a R5 note.

Magistrate Mr W J P MArais: While he was behind the tree and not firing, why did you fire?

Sergeant Engel: We wanted to clear up the situation so that we could get the burning tyres out of the way, to prevent further incidents there.

(Proceeding)

Woman hurt in blast

CAPE TOWN — A woman was injured in an explosion near the Groote Schuur Estate in Newlands yesterday.

The bomb, believed to be a limpet mine, went off at 11.50 am and ripped out the roof of a bus shelter directly in front of the official home of Mr Alwyn Schlebusch, the Minister for Administration and Broadcasting Services, chairman of the Ministers' Council in the House of Assembly and Minister of the Own Affairs Budget.

A number of windows in nearby houses were shattered.

The woman was admitted to Groote Schuur Hospital's trauma unit and is reported to be in a "satisfactory" condition. — DDC

6/2/85 Cape Times

n: NP ion

PFP on the other hand much emphasis on the law that the impression s that that they are soft on y."

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Staff

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500 (329 / 178) detained at Zolani - Suzman

By BARRY STREEK
Political Staff

OVER the past 18 months, 500 people had been arrested and held without trial at Zolani township near Montagu in the Western Cape, according to Mrs Helen Suzman, the PFP MP for Houghton.

Mrs Suzman also said the government "had ruthlessly used every method available in order to smash black urban civic associations throughout the length and breadth of the Republic, and not only via emergency powers".

"The government has actively assisted vigilantes; it has armed community guards and 'kitskonstabels' and, I might say, the shocking incident which took place at Fingo Village, near Grahamstown, is a stark example of the foolishness of creating 'kitskonstabels', giving them shotguns and letting them loose on the community.

"The police force and the army — this we know from what happened earlier at Crossroads — have stood by while people belonging to organizations falling outside the government's constitutional structures are being assaulted," she said.

She said there were "no proper investigations" before the arrest of the 500 people at Zolani.

"Fewer than 50 of those held have even been found guilty of any offence, and due process has in fact been sidestepped.

"It seems to me that anything goes, including assault

"The former Minister of Law and Order said that all charges would be investigated if sworn statements were made, but I want to tell this House that the police often refuse to take statements."

vt 'deceiving public'

allow the media to quote ANC president Mr Oliver Tambo last week.

"In a manipulation, however, the Department of Law and Order allowed

The new e govern-

Cape Times 6/2/87

Two acquitted of organizing court 'demo'

Court Reporter

A UNIVERSITY of the Western Cape lecturer and a Belhar teacher were yesterday acquitted of organizing a demonstration within 500 metres of Goodwood Magistrate's Court.

The magistrate, Mr M J van Graan, acquitted Dr Richard Stevens, 41, head of the department of biblical studies at UWC, and Mr Steve Louw, 28, a teacher at Belhar Senior Secondary School, on the grounds that the State had failed to prove that a demonstration had taken place outside the court.

The trial arose from an incident in May last year, when about 150 Belhar pupils went to the court for the appearance of a fellow pupil accused of arson. They were dispersed by police.

At a previous hearing, Dr Stevens said he had gone to court to pay bail for the pupil, whom he knew. His daughter, a Belhar pupil, was among other pupils from the school who were standing in "small, peaceful" groups outside the court.

Later "I saw my daughter inside and saw them hitting her and my words to the police were: 'I don't hit my daughter and neither will you'. I reacted as a father because I saw them beating up my child. The children were being beaten up unnecessarily.

"The pupils could not have provoked the police to such an extent that they needed a beating. That was not the way to disperse pupils," he said.

Mr Louw said he had accompanied the pupils to court as their supervisor and teacher and denied organizing a demonstration with Dr Stevens.

Ms C Steyn prosecuted. Mr Rose-Innes, instructed by E Moosa and Associates, appeared for the two men

Friddie killer shots fired by 'unknown'?

CM Times 6/2/87

Court Reporter

A CAPE TOWN inquest magistrate yesterday found that a "third, unknown" person could have shot Mr Abdul Karriem Friddie, who was killed outside the St Athens Road Mosque in Athlone in October 1985.

The magistrate, Mr W J P Marais, said: "On the available evidence it's not possible to determine that the man who was hit by Sgt F C Engels was the deceased. There is a possibility that a third, unknown person might have shot him."

The inquest arises out of an incident during police action.

General unrest

Sgt Engels told the court he had seen a man running in the middle of St Athens Road.

"The first sign of aggression from the man was when he pointed his arms towards us.

"I didn't see a weapon in his hands. I saw only a flame as he fired a shot and I heard a gunshot. When he fired his second shot we were firing back, so I couldn't hear his shots. I merely saw the flame."

Sgt Engels said there was general unrest near where his Casspir was parked in Thornton Road. The road had been blocked by burning vehicles and a barricade of flaming tyres.

He said Mr Friddie was behind a tree when he fired his fifth shot with an R-1 rifle. Mr Friddie fell so that part of his body was in the road.

Best shot on the Casspir

"When he was behind the tree I could see only his silhouette and I could not see what kind of weapon he had."

Lt Jakobus du Plessis, who had been in charge of the Casspir, said he saw an unoccupied car in the middle of St Athens Road. He saw a man taking up the stance of someone about to shoot in the middle of the road. He had ordered Sgt Engels to shoot at the man as he was "the best shot on the Casspir".

Mr M B de Vries led the evidence. Mr B Waglay appeared for the family of the deceased. Mr S A Kuhn appeared for the Minister of Law and Order

CAPE TIMES
6/2/87

500 detained at Zolani - Suzman

By BARRY STREEK
Political Staff

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"It seems to me that anything goes, including assault.

"The former Minister of Law and Order said that all charges would be investigated if sworn statements were made, but I want to tell this House that the police often refuse to take statements."

KTC prayer call for 'peace, reconciliation'

CAPE TIMES 7/2/87

Staff Reporter

REPRESENTATIVES of the KTC squatter committee announced this week that prayers for peace would be organized every Sunday this month, at the KTC clinic hall.

A delegation from the KTC committee this week called for peace and reconciliation, amid rumours that "witdoeke" were poised to attack the area.

A spokesman, Mr Gladstone Ntamo, said that people from KTC came from Transkei and Ciskei as did the people of Old Crossroads.

"We are not willing to attack them (the 'witdoeke') and we don't want them to attack us," he said this week.

"We are willing to negotiate. We don't like people fighting one another, we want peace," Mr Ntamo said.

He said anybody who was interested in the welfare of KTC was welcome to attend the service.

The prayer service, conducted by the Rev James Gauwlegheta, will begin at 2pm.

Come This 7/2/87

Squatters fear more violence

Staff Reporter

SQUATTERS who fled Crossroads and KTC when their homes were destroyed by "witdoek" vigilantes during clashes with militant youths last year, fear they are about to be forced out of the new settlements they have established in and around Nyanga.

Archbishop Desmond Tutu and Dr Allan Boesak, accompanied by foreign diplomats and overseas news teams, visited one of the new "refugee" camps yesterday. They heard that residents were convinced either the "witdoeke" or the authorities were coming to throw them out.

Marked with crosses

Mr Christopher Toise, leader of the Portland Cement Works squatter camp before it was razed by "witdoeke", said "every night we hear the message. 'They are coming. They are coming', just the same as last time".

Mr Alfred Sipika, leader of the Nyanga Extension squatters who fled their camp during last year's fighting, said officials had been coming to mark their plastic shelters with crosses during the past two weeks

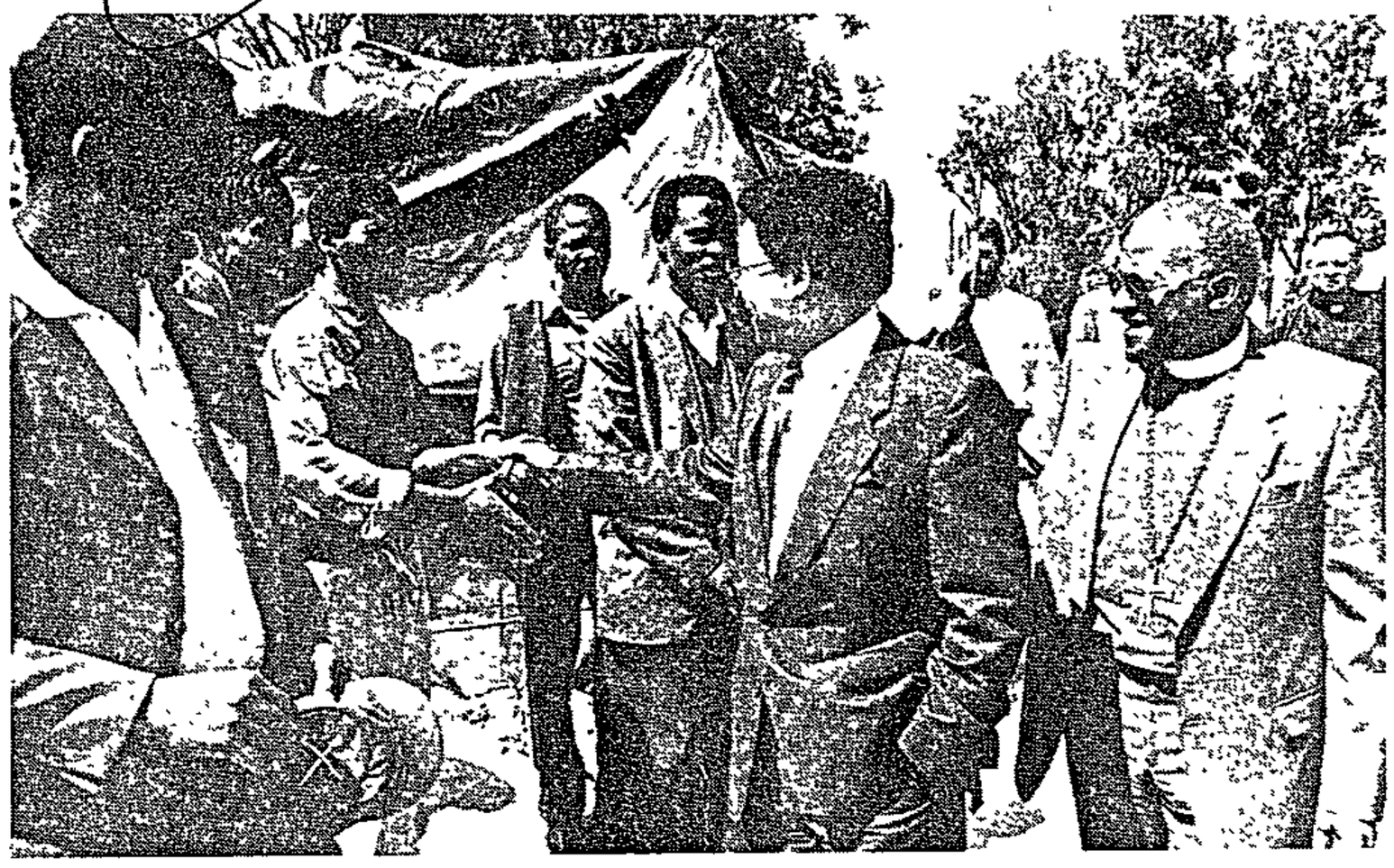
Public-relations officer for the Community Services Office Mr Sampie Steenkamp said yesterday that there was "no intention whatsoever to move those refugees at the moment".

"We mark the shacks every now and again to see how many there are and if more are being built. We are just monitoring the situation," he said.

But Archbishop Tutu said he was "deeply concerned" about the allegations made by the refugees and had "no reason to believe they were making things up".

Dr Boesak said he had seen the "massacre" at Crossroads last year and could see "the same symptoms again".

"If something positive doesn't happen in the next few weeks, we will have a repetition of that violence."



Archbishop Desmond Tutu and Dr Allan Boesak greet residents of one of the refugee squatter camps which sprang up in Nyanga after last year's violence in KTC and Crossroads. Picture. Reuters

Court upholds pupil's sentence

By SHAUNA WESTCOTT
Supreme Court Reporter

A SENTENCE of one year in jail passed on a 17-year-old Belhar schoolboy found guilty of riotous behaviour has been upheld as "reasonable in the circumstances" by the Supreme Court.

The schoolboy, a Std 9 pupil at Belhar Secondary School, was convicted of public violence and sentenced in Goodwood Magistrate's Court last year. He initially pleaded not guilty but changed his plea after seeing a video of the incident.

The incident was described during the verdict by magistrate Mr M J van Graan in these words:

"On the morning of October 7, 1985, a large number of youths gathered on the school grounds. While teachers watched passively some scholars were intimidated by others and forced to gather with the group.

'Defiant signs'

"The group later became riotous. The rioters, and in particular the appellant, were singing and raising their fists in the air. Some male youths ran out of the mob, threw stones at vehicles passing by and returned.

"The majority of the rioters later took shelter behind the corner of a building on the school premises, but the appellant and a few others occasionally came forward and defiantly waved or made signs at the police.

"The riot reached a climax when some of the rioters suddenly ran towards the police and threw stones at the police ... At least one shot was fired and the appellant got wounded. He nevertheless remained in the foreground and danced with a limp in the face of police."

The magistrate also remarked that the schoolboy "joined a few of the other prominent rioters by moving around arrogantly and engaging himself with antics, displaying his enthusiasm for what was happening".

He said the "widespread unrest situation amidst which" the schoolboy's crime was committed called for "heavy punishment".

'Strike at roots'

Rejecting an appeal against sentence, Mr Justice P W E Baker, with the concurrence of Mr Justice H C Nel, said the magistrate had given "a very able and very good" judgment.

Referring to the appeal as "another one of those distressing cases", Mr Justice Baker said that although courts were always reluctant to send anyone of such youth to jail, "there is no getting away from the fact that public violence is a very serious crime".

The judge praised the "learned magistrate" for quoting from "a particularly apposite" judgment of Lord Denning who remarked that students were entitled to demonstrate but should do so lawfully.

Otherwise they were "striking at the roots of society itself and bringing down that which protects them".

Leave to appeal to the Appellate Division was refused, but the schoolboy's bail of R150 was extended, pending a petition to the Chief Justice.

Mr J van Vuuren appeared for the State Mr S Desai, instructed by E Moosa and Associates, appeared for the schoolboy.

what steps have been taken to rectify the matter?

†The MINISTER OF HOME AFFAIRS:

Yes.

(a) As far as is known, shortages occurred on three occasions, once at the regional office of the Department of Home Affairs in Johannesburg and twice at the regional office in Pretoria

(b) The shortages were due to unforeseen large demands made at short notice by political parties

(c) Supplies were immediately drawn from other centres and additional supplies printed by the Government Printer and made available to the aforesaid regional offices

†Mr S S VAN DER MERWE: Mr Speaker, arising from the hon the Minister's reply, is he aware that such a shortage also occurred at the Cape Town office and secondly, is he aware that political parties were advised to design and make forms on their own for their own purposes, and to obtain people's changes of address?

†The MINISTER: Mr Speaker, I have already indicated that I was not aware of the situation at the Cape office. However, I want to bring it to the attention of the House that more than 4 million of the forms concerned were printed They were widely distributed to the Department's regional offices, police stations and the offices of local authorities According to our observations there were no problems and delays This is shown by the fact that, from the middle of September to the end of January this year, more than 1,3 million changes of address were recorded. This clearly shows that this campaign for registration and changes of address was successful.

Mr K M ANDREW. Mr Speaker, further arising out of the hon the Minister's reply, may I ask him whether he will consider reimbursing political parties in respect of the costs involved in having to do his department's job in getting forms printed to enable voters to register? [Interjections.]

The MINISTER: Mr Speaker, I would like to point out that, basically, the duty to notify change of address rests with each and every voter. It is not the Department of Home Affairs's task to do that, but I wish to thank all political parties for their assistance in this process.

Mr W V RAW: Mr Speaker, further arising out of the hon the Minister's reply, may I ask him whether his department has the power to prosecute people for not notifying the department of changes of address and, if so why he does not use those powers?

The MINISTER Mr Speaker, the department has the power to prosecute in terms of the relevant Act Prosecution has in fact been considered, but it has been judged not to be worthwhile for the simple reason that, by the time one has traced the particular person, he will have been properly registered Making an example of a few people will not, in our opinion, facilitate the process [Interjections]

Tendile Colin Goba

*8. Mr S S VAN DER MERWE asked the Minister of Law and Order:

(1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was shot dead in Guguletu in January 1987; if so, *(a)* on what date, *(b)* by whom, *(c)* what were the circumstances surrounding this incident and *(d)* what is the name of this person,

(2) whether any steps have been taken by the South African Police in respect of this incident; if so, *(a)* what steps and *(b)* with what results?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) 17 January 1987.

(b) A special constable in the employment of the South African Police.

(c) The deceased who trespassed on the premises of the Fiseku School, Guguletu, was confronted by four special constables who performed guard duties at the school, with the aim to determine the reason for his presence on the premises. Half a brick was allegedly thrown at one of the special constables by the deceased after which he ran way He was instructed to stop and a warning shot was fired by one of the special constables with his official firearm. He ignored the warning. Allegedly two of the special constables followed the deceased whereupon he produced a knife and charged at the special constables He was shot dead by one of the special constables

(d) Tendile Colin Goba

(2) Yes.

(a) An inquest docket was registered and is being investigated

(b) The investigation is not finalised yet.

Mr S S VAN DER MERWE. Mr Speaker, arising out of the hon the Minister's reply, is there then no likelihood, as far as he is concerned, that the person who fired the shot will be prosecuted?

†The MINISTER. Mr Speaker, I have just told the hon member that an inquest will be held The hon member is after all a jurist himself. He surely knows that recommendations will only be made once the inquest has been completed. If there is any evidence it will be submitted to the Attorney-General.

Coloured management committees

*9. Mr S S VAN DER MERWE asked the Minister of Constitutional Development and Planning:

Whether it is the intention to establish more Coloured management committees in the Cape Peninsula area; if so, *(a)* why, *(b)* in respect of which areas and *(c)* how are these committees to be constituted?

†The DEPUTY MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING AND OF PUBLIC WORKS AND LAND AFFAIRS:

Yes.

(a) To provide the communities with local government bodies.

(b) Woodstock, Retreat, Mitchell's Plain, Schotsche Kloof, Walmer Estate and Salt River.

(c) In terms of the relevant regulations the Committees will consist of 5 members, of which two will be nominated by the Minister of Constitutional Development and Planning, two by the Administrator and one by the local authority concerned

When a general election for all local government bodies is held during 1988, the nominated members of these Committees will be replaced by elected members

Chalumna-Ncera-King William's Town road boundary

*10. Mr E K MOORCROFT asked the Minister of Constitutional Development and Planning:

(1) Whether any changes to the gazetted Chalumna-Ncera-King William's Town road boundary between Ciskei and the Republic of South Africa in the district of Kidd's Beach are being contemplated; if so, what specified changes;

(2) whether a decision has been taken on the use to which the land which is situated west of this gazetted boundary and falls under the jurisdiction of his Department, will be put, if not, why not, if so, what is the nature of this decision?

The DEPUTY MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING AND OF PUBLIC WORKS AND LAND AFFAIRS.

Discussions took place with representatives of organised agriculture and Ciskei in connection with the possible adjustment of the boundary of the so called Chalumna area. The matter has not been finalised, but it is expected that a decision will be taken soon and an announcement will be made thereafter

Mlungisi Township: shooting

*11 Mr E K MOORCROFT asked the Minister of Justice.

Whether any inquest has been held into the alleged shooting of a number of persons by members of the South African Police at a church in Mlungisi Township, Queenstown, in November 1985, if not, why not; if so, what were the findings?

†The MINISTER OF JUSTICE.

From the question, as formulated, it is not clear to which events the hon member is referring Inquiries were nevertheless made from the Attorney-General of the area. He furnished information concerning nine inquests held in respect of ten persons who died after events on 17 November 1985 in or near the township referred to. The full findings in each case are not at hand, but in no case a finding was made that the death was brought about by an act or omission involving or amounting to an offence on the part of any person. Eight of the inquests were held in Queenstown and the following numbers were allocated to the inquest records which are public documents:

18/86
19/86
20/86
22/86
23/86
24/86
25/86
45/86

HoA

One inquest was held at East London and the number that was allocated to that inquest record is: 161/86.

Members killed/wounded

*12. Mr B B GOODALL asked the Minister of Defence:

How many members of the South African Defence Force were *(a)* killed and *(b)* wounded in 1986?

The DEPUTY MINISTER OF DEFENCE:

(a) 115 members were killed in military operations and training exercises.

(b) The hon member is referred to the reply to part *(b)* of the written question number 167 of 2 February 1984

Juveniles killed/injured

*13 Mr B B GOODALL asked the Minister of Defence:

(1) Whether any juveniles were *(a)* killed and *(b)* injured as a result of action taken by the South African Defence Force in unrest situations in the Republic in 1986, if so, (i) how many in each case and (ii) where did each *(aa)* death and *(bb)* injury occur;

(2) whether such action was taken in *(a)* conjunction with and *(b)* the presence of the South African Police;

(3) whether any charges have been laid against the South African Defence Force in respect of the deaths and injuries referred to above; if so, in which specific cases?

†The DEPUTY MINISTER OF DEFENCE:

Mr Speaker, before I provide the reply to the question, I just want to say that for the purposes of the reply to the question, a juvenile is regarded as a person under the age of 17 years.

(1) *(a)* and *(b)* as on 4 February 1987. It can only be stated with certainty that a death or injury was the result of Defence Force action after the appropriate military and/or civil legal process has been finalised and a finding to that effect has been reached. On this premise the reply is nil.

(2) Falls away

(3) No.

Advertisement

*14 Mr P G SOAL asked the Deputy Minister of Information·

(a) Who drafted the text of the advertisement "Emergency regulations and the media: The facts in true perspective" published on 21 December 1986, *(b)* what was the total cost to the Bureau of this advertisement, *(c)* in which publications did it appear and *(d)* what was the purpose of placing such an advertisement?

The DEPUTY MINISTER OF INFORMATION·

(a) Officials of the Bureau for Information

(b) R24 192,00.

(c) *Rapport, Sunday Times.*

(d) To inform the public of the background to, and reasons for, the measures announced on the 12 December 1986. This was necessary in view of the fact that this perspective was not adequately conveyed to the public by the media.

Mr P G SOAL: Mr Speaker, arising out of the hon the Deputy Minister's reply, are the officials of his department aware that the two constitutional mechanisms mentioned in the advertisement are not the only two available? Are they aware that there is a federal system with a mechanism of proportional representation which is also being considered in this country? If they are not aware of this, will he ensure that it is brought to their attention?

HoA

The DEPUTY MINISTER: Mr Speaker, without the advertisement in front of me, the hon member's question becomes very difficult to answer off the cuff. I would suggest that he places it on the Question Paper if he desires an answer.

Song

*15. Mr P G SOAL asked the Deputy Minister of Information:

(1) Whether the Bureau for Information intends to release recordings of the song "Together we will build a brighter future" for sale to the public; if so, when,

(2) whether the Bureau has plans for any projects similar to the above-mentioned song project in the future; if so, what projects?

†The DEPUTY MINISTER OF INFORMATION:

(1) No.

(2) No, not at the moment

Mr Allistair Sparks

*16. Mr D J DALLING asked the Minister of Law and Order

(1) Whether, with reference to the replies to Questions Nos 5, 6 and 7 on 30 March 1983, any items confiscated by the South African Police from the home and office of Mr Allistair Sparks have been returned to Mr Sparks; if not, *(a)* why not, *(b)* in terms of what statutory provisions are the Police allowed to retain these items and *(c)* when is it intended to return these items to Mr Sparks, if so, which items (i) were and (ii) remain to be returned to Mr Sparks.

(2) whether Mr Sparks has been charged with any offence; if so, with what offence?

The MINISTER OF LAW AND ORDER.

and/or other assistance, *(b)* why, *(c)* who took the decision in this regard and *(d)* what is the name of this party?

The MINISTER OF FOREIGN AFFAIRS:

As a matter of principle I do not consider it to be in the interest of the country to reply to a question of this nature even if the reply would have been in the negative. I would like to add however that the Department renders support to South Africans from a variety of professions and of differing political persuasions, i a. to undertake overseas visits to promote the interests of South Africa.

Fingo Village: shooting incident

*29. Mr E K MOORCROFT asked the Minister of Law and Order:

(1) Whether, on or about 2 February 1987, a shooting incident took place in Fingo Village, Grahamstown, at a certain address which has been furnished to the South African Police for the purpose of the Minister's reply; if so, *(a)* what were the circumstances surrounding this incident and *(b)* who was responsible for the shooting incident,

(2) whether any persons were *(a)* killed and *(b)* injured; if so, how many in each case;

(3) whether the South African Police have *(a)* investigated this incident and *(b)* taken any action as a result, if not, why not, if so, what action was taken,

(4) whether he will make a statement on the matter?

†The MINISTER OF LAW AND ORDER:

(1) to (3) I refer the hon member to my speech in the House of Assembly on 4 February 1987 during which I supplied the particulars.

(4) No

Own Affairs

Residential universities: other population groups

*1. Mr R M BURROWS asked the Minister of Education and Culture:

Whether, with reference to his reply to Question No 3 on 25 March 1986, his Department has completed its investigation into the admission of members of other population groups to residential universities under its control; if not, *(a)* why not and *(b)* when is it anticipated that this investigation will be completed, if so, what were the findings?

The MINISTER OF EDUCATION AND CULTURE

No,

(a) the investigation referred to is a small but integral part of the continuing and comprehensive investigation into the provision of facilities for tertiary education with a view to supplying manpower for the country Such an investigation is, in the first place, time-consuming, since it has to proceed in close co-operation with all the universities under the control of the Department, and, secondly, it actually entails an ongoing monitoring of trends;

(b) as soon as the current round of negotiations with the universities has been completed, a statement will be issued regarding the results of the investigation up to that stage.

Parent bodies

*2. Mr R M BURROWS asked the Minister of Education and Culture:

(1) Whether, with reference to his replies to Question No 8 of 4 March 1986 and Question No 1 on 17 June 1986, further consideration has been given to the establishment of criteria for the

recognition of organised parent bodies; if not, why not; if so,

(2) whether these criteria have been established; if not, why not; if so, *(a)* when, *(b)* what are the criteria and *(c)* what bodies participated in negotiations concerning these criteria before they were finalised;

(3) whether any provincial education departments have recognised parent bodies for negotiation purposes, if so, what bodies have been so recognised by each of these departments;

(4) whether he has met with representatives of organised parent bodies in the current year; if so, *(a)* of what bodies and *(b)* on what dates;

(5) whether he will make a statement on the matter?

†The MINISTER OF EDUCATION AND CULTURE:

(1) Yes,

(2) yes, criteria for the recognition of organised parents' bodies have been determined;

(a) during 1986;

(b) the criteria are available to any parent body interested in recognition as an organised parents' association by this Department

(c) None

(3) Prior to the transfer of the Education Ordinances to the Minister on 1 April 1986, two parent associations were recognised by the Administrator of Transvaal, viz·

Die Transvaalse Afrikaanse Ouervereniging (TAO), and The Transvaal English Medium Parents' Association (TEMPA),

(4) No.

(5) No

Teacher training colleges

*3. Mr R M BURROWS asked the Minister of Education and Culture:

(1) Whether he has made or intends to make any decisions regarding the rationalisation, closing and disposal of any teacher training colleges falling under his control; if so, *(a)* what colleges are or will be affected and *(b)* what (i) decisions have been made and (ii) bodies were or are to be consulted in each case,

(2) whether the proposed closing of the Natal College of Education in Pietermaritzburg is the final step in the rationalisation process in Natal, if not, what further steps have been considered in this connection,

(3) whether he will make a statement on the matter?

The MINISTER OF EDUCATION AND CULTURE:

(1) Yes, our aim is to arrive at decisions regarding the rationalisation, closure and disposal of teacher training colleges under my control on the basis of continuous evaluation but, with the exception of the teacher training colleges in Natal, no final decisions have been taken since negotiations have not been completed,

(a) In the process of rationalisation the position of each college is investigated

(b) (i) none, except in respect of the colleges mentioned in (1).

(ii) College Councils, the organised profession and should it be necessary, local representative organisations;

(2) no decision has been made that the Natal College of Education will close.

Guguletu youth tells of police van beating

Supreme Court Reporter

A GUGULETU youth told the Supreme Court that policemen struck him with a rifle butt, sjambokked and kicked him and left him to struggle home.

Mr Mlungisi Andrew Ngoma, who was 17 at the time of the alleged assault on September 30, 1985, testified yesterday in the civil trial in which his mother, Mrs Nomroyo Mavis Ngoma, is suing the Minister of Law and Order for R10 000 damages.

Mrs Ngoma claims in papers her son was assaulted in NY2 Guguletu and in police vehicles in Guguletu and New Crossroads.

The boy's gall bladder had to be removed, an artery was torn and he had pancreas trauma, Mrs Ngoma alleges. He was treated at Tygerberg Hospital from September 30 to October 7 and from December 14 to 20.

In an affidavit, the Divisional Commissioner of Police, Major-General Christoffel Swart, said the log book showed the police unrest unit did not take action at NY2 Guguletu that day.

Mr Ngoma said he was on his way to a supermarket about midday when he saw children running towards him, away from uniformed policemen He ran down the street, through a house and into a "bungalow" in a backyard.

A policeman followed him and hit him with a rifle butt. Another policeman dragged him by his collar and struck him with a sjambok.

He was then pulled into a large, yellow police van About 15 policemen were sitting on benches inside. A policeman asked Mr Ngoma "Where do people have their meetings?"

Mr Ngoma told the court he did not know what meetings he was talking about. A policeman hit him in the face with his fist. Others kicked him in the stomach.

When the van stopped, a policeman pulled a sjambok tight across Mr Ngoma's mouth while four others held his arms and legs. He was then removed from the van, which drove off. He fell down three times, then sat down.

A woman he knew was a passenger in a car which gave him a lift home. He was then taken to hospital by ambulance.

(Proceeding)

Hospital wanted k



BEAR HUG: Archibald the teddy bear hug er, Richard Wright of Pennsylvania, who pc him at Sotheby's in London. He has bough bears in five years and has 200 of his own made in 1904 in Germany and is to the te what a Stradivarius is to viol

R50 000 restorati grant for oldest c

Staff Reporter

STRAND Street's historical Evangelical Lutheran Church has been voted a R50 000 grant for restoration, spread over five years, by Cape Town City Council's Executive Committee.

The church, the oldest church building in use in South Africa, is in bad shape, according to a report from the committee.

An estimated R1-million will have to be spent on restoration. By late last year a fund-raising committee h than R70 00 R25 000 expe tional Monun

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Cape Times
11/2/87

Mother sues Minister over battered son

Supreme Court Reporter

A GUGULETU mother is suing the Minister of Law and Order for damages of R10 000, claiming that police kicked, sjambokked and throttled her son, injuring him so badly that his gall bladder had to be removed.

In papers before the Supreme Court, Mrs Nomvoyo Ngoma claims her son was assaulted by police on September 30, 1985, near NY2 in Guguletu and in a police van moving around in Guguletu and New Crossroads.

Mlungisis Andrew Ngoma, who was 17 at the time of the alleged assault, told the court yesterday he and a friend left home to go to the shops about midday.

Hot pursuit

On the way they saw a group of children running towards them with uniformed police in hot pursuit.

"I also ran because my mother had told me not to leave home. I ran down the street with no name to house number 53A and through the house to a bungalow at the back."

A white policeman followed the boy inside and beat his hands and back with a rifle butt. A black policeman then dragged him out of the shack by his collar and whipped him on the back with a sjambok.

Mr Ngoma alleged further that he was pushed into a big yellow police van and that two hippos or Casspirs ("I don't see any difference") were parked alongside.

"The van pulled off and police inside it asked me, 'Where do people have their meetings?' I said I didn't know. Then the policeman sitting next to me hit me on the nose with his fist.

"Others kicked me on my stomach with their boots and hit me with fists. I was sitting in the corner crying.

"When the van stopped a white policeman got out of the front, got into the back and put a sjambok inside my mouth and pulled it tight behind my head while four other policemen held my arms and legs."

A sworn statement made by the then divisional commissioner of police, Major-General Christoffel Swart, reads: "The relevant log book shows that the unrest squad did not take action at NY2 Guguletu on September 30, 1985."

The case continues.

Mr Justice P W E Baker presided. Mr L A Rose-Innes, instructed by Bernadt Vukic and Potash, appeared for Mrs Ngoma. Mr C Y Louw, instructed by the State Attorney, appeared for the Minister.



Dispute over Guguletu shooting

(275)

Political Staff

HOUSE OF ASSEMBLY. — Mr Adriaan Vlok, Minister of Law and Order, had given a "totally unsatisfactory" answer to questions on the shooting of Mr Colin Goba from Guguletu by a kitskonstabel on January 17 this year, Mr Tian van der Merwe (PFP Green Point) said yesterday.

Mr Vlok said Mr Goba had been confronted by four special constables guarding the Fiseku school in Guguletu.

Mr Goba allegedly threw half a brick at one of the constables and ran away. A warning shot was fired.

"He ignored the warning. Allegedly two of the special constables followed the deceased whereupon he produced a knife and charged at the special constables."

He was shot dead.

Mr Vlok said an inquest docket was being investigated.

Mr Van der Merwe said: "Police detectives involved in the investigation of the shooting made it clear to the family of the deceased they considered it as a murder case and they do not accept the story about Goba having pulled a knife to threaten the kitskonstabels.

"If no prosecution results from this event it will amount to a disgraceful cover-up."

Sash deplores deaths of four people in township

By Adele Baleta

The Albany Black Sash in the Eastern Cape has condemned the deaths of four people in an incident involving three South African Police "kitskonstabels" in Grahamstown on February 2.

The four were killed and five wounded while special constables were guarding a school in Grahamstown's Tantyi township.

A police spokesman previously said the three went to investigate after they were fired at from a township house.

The Albany Black Sash said: "The SAP special force receive a pitiful three weeks' training before they are sent into black townships, armed with guns, sjamboks and all the powers of regular policemen.

DISCIPLINE

"When the force was introduced in September 1986, the Commissioner of Police dismissed fears that they would not have the necessary discipline to deal with the tense situation in the townships.

"Now it appears that we may have witnessed tragic confirmation of those rejected fears and warnings," the statement said.

The Minister of Law and Order has ordered an investigation into the shooting, and three men are appearing in court in connection with the incident.

"We extend our deepest sympathy to the bereaved families and members of the community who have suffered so grievously, and call for the immediate disbanding of this ill-conceived force," said the statement.

Mother 'lied out of fear for son'

Supreme Court Reporter

A GUGULETU mother suing the Minister of Law and Order for R10 000 told the Supreme Court yesterday she lied to doctors at Tygerberg Hospital about how her son was injured because she feared he would be arrested.

Mrs Nomvuyo Ngoma, a domestic worker for over 15 years, was giving evidence in an action brought on behalf of her son.

She claims that he was kicked, beaten and sjambokked by policemen who injured him so badly that his gall bladder had to be removed.

Andrew Ngoma, 16 years old at the time of the alleged assault, has told the court police beat him up near NY2 and in a big yellow van moving between Guguletu and New Crossroads. They then dumped him at the side of the road where a friendly stranger picked him up and took him home.

He was taken to hospital by ambulance.

Mrs Ngoma told the hospital that Andrew was injured in a fall. "I feared to speak the truth because it was the time riots were taking place and when kids were admitted to hospital they were arrested," she said.

She also told the hospital her child was 13. "I told the hospital the incorrect age so that he wouldn't be arrested. I thought that they wouldn't arrest a child of 13."

Police have denied that the riot squad took any action at NY2 Guguletu on the day in question — September 30, 1985.

The case continues.

Mr Justice P W E Baker presided. Mr L A Rose-Innes, instructed by Bernadt Vukic and Potash, appeared for Mrs Ngoma. Mr C Y Louw, instructed by the State Attorney, appeared for the minister.

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Mother lied to prevent son's arrest, court told

Supreme Court Reporter

A GUGULETU char lied to Tygerberg Hospital officials because she was afraid her son would be arrested if she said he had been assaulted by police, the Cape Town Supreme Court heard.

Mrs Miriam Ngoma, who is suing the Minister of Law and Order for R10 000, said she told doctors her son had stomach pains because he had fallen, although he told her he had been beaten and kicked by police. She also lied about his age, saying he was 13, not 16.

Asked why she had lied, Mrs Ngoma said: "I feared he would be arrested. Kids who were assaulted by police were being arrested in hospital and locked up ... I thought they wouldn't arrest a child of 13."

Mrs Ngoma claims in papers that her son Andrew was assaulted by police on September 30 1985 in NY2 Guguletu and in a police van travelling in Guguletu and New Crossroads.

Andrew Ngoma has testified that he was walking to a supermarket with a friend when he saw a mob running towards him, chased by policemen.

He ran into a house. A policeman followed him and assaulted him.

He was then kicked, sjambokked and throttled by police in blue uniforms inside a large yellow police vehicle.

The then divisional commissioner of police, Major-General Christoffel Swart, denies in papers that riot police took action in NY2, Guguletu, on September 30.

Mrs Ngoma said her son complained of stomach pain and his nose was swollen.

He was reluctant to tell her the cause of his injuries, but eventually told her he had been beaten and kicked by Zulu-speaking police.

(Proceeding)

Mr Justice Baker is presiding. Mr L A Rose-Innes, instructed by Bernardt, Vukic and Potash, appears for Mrs Ngoma. Mr C Y Louw, instructed by the State Attorney, appears for the Minister.

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CAPE TIMES 14/2/87

Zolani conflict: 4 found guilty

275

Supreme Court Reporter

FOUR Zolani men were convicted in the Supreme Court yesterday of public violence after the judge found them "dishonest and lying witnesses".

The four — Samuel Mangcola, 29, Charles Msoki, 45, Timothy Tyhalisisu, 39, and Lemi Mhlomi, 25 — were found guilty of stoning the house and car of Mr Jim Calata, employed by the Development Board as a temporary guard; and of stoning and setting alight another car parked outside Mr Calata's house.

Mr Justice D M Williamson began his judgment with what he described as "probably a somewhat oversimplified thumb-nail sketch of the situation" in Zolani but "accurate enough".

The judge said unrest began in Zolani about November 1985 in connection with a school boycott favoured by "comrades" and opposed by parents.

"As a result there was dissension in the community and violence flared up on several occasions.

"An informal and unofficial home guard seems to have developed among those opposed to the boycott. Out of this evolved, under the sanction of officialdom, an organized system of temporary guards."

The four originally faced murder and robbery charges in addition to the public violence charge.

They were accused of murdering community councillor Mr Ndakutini Zweni and robbing him of his .22 revolver and ammunition, but were acquitted during the trial.

The court accepted the evidence of Mr Calata and others which placed the accused at the scene in leading roles. He dismissed defence criticism of the State witnesses as "placing undue emphasis on the frailty of human observation and memory".

The trial was adjourned to March 3 for evidence on extenuation. Bail was extended.

Mr D O de la Hunt and Mr G Titterton were assessors Mr J H Theron prosecuted. Mr J R Whitehead and Mr I J Muller, instructed by Y Ebrahim and Co, appeared for the four.

Crossroads/KTC: unrest

30. Mr S S VAN DER MERWE asked the Minister of Justice:

Whether any persons have been prosecuted for *(a)* arson, *(b)* theft, *(c)* malicious damage to property, *(d)* assault with intent to do grievous bodily harm, *(e)* common assault, *(f)* murder and *(g)* attempted murder in connection with unrest in (i) Crossroads in May 1986 and (ii) the KTC area in June 1986, if so, *(aa)* how many in each category and *(bb)* what was the outcome in each case?

The MINISTER OF JUSTICE:

The Attorney-General concerned has studied his records in an attempt to obtain the required information. On account of the large number of cases which are dealt with in the courts daily and the fact that it is almost impossible to identify cases as being related to an unrest situation in an area which does not necessarily correspond with a magisterial district, it is not possible to furnish precise information He cannot identify any prosecutions as being related to unrest mentioned by the Honourable Member. If the Honourable Member requires information with regard to a specific incident, I shall on receipt of further particulars readily try to obtain the information which he requires.

Kabokweni: deaths

47. Mr P G SOAL asked the Minister of Justice:

(1) Whether, with reference to the reply of the Minister of Law and Order to Question No 3 on 26 August 1986, the decision of the Attorney-General has been made known in regard to the deaths of persons at the Kabokweni magistrate's court near White River in the Eastern Transvaal on 11 March 1986; if not, when is it anticipated that his decision will be made known, if so, *(a)* when and *(b)* what was that decision,

(2) whether any inquest has been held into this matter; if not, why not; if so, what were the findings;

(3) whether the findings relating to the investigation into this incident have been made public; if not, why not; if so, when;

(4) whether he will make a statement on the matter?

The MINISTER OF JUSTICE:

(1) Yes.

(a) During July 1986.

(b) The Attorney-General instructed that an inquest be held from 4 to 6 May 1987 in the Magistrate's Court, Witrivier.

(2) and (3) Fall away

(4) A statement is not necessary.

Detainees

50 Mrs H SUZMAN asked the Minister of Justice:

(a) How many persons have been detained in terms of section 31 of the Internal Security Act, No 74 of 1982, since 12 June 1986 and *(b)* in respect of what date is this information furnished?

The MINISTER OF JUSTICE.

(a) 63 persons.

(b) 12 June 1986 till 31 January 1987.

Detainees

51. Mrs H SUZMAN asked the Minister of Justice:

How many females *(a)* were detained in 1986, and *(b)* had been detained as at the latest specified date for which figures are available, in terms of section 31 of the Internal Security Act, No 74 of 1982?

The MINISTER OF JUSTICE:

(a) —

(b) 7 on 31 January 1987.

Bankrupt persons

97. Mr H H SCHWARZ asked the Minister of Justice:

How many persons were declared bankrupt in each Division of the Supreme Court in 1986?

The MINISTER OF JUSTICE:

Division	Persons
Transvaal Provincial Division	3 000
Cape of Good Hope Provincial Division	539
Orange Free State Provincial Division	662
Eastern Cape Division	311
Northern Cape Division	128
Natal Provincial Division	319

Liquidation

98 Mr H H SCHWARZ asked the Minister of Justice:

How many companies were placed under compulsory liquidation in the area of each Master of the Supreme Court in 1986?

The MINISTER OF JUSTICE.

Division	Companies
Transvaal Provincial Division	1 450
Cape of Good Hope Provincial Division	246
Orange Free State Provincial Division	103
Eastern Cape Division	115
Northern Cape Division	24
Natal Provincial Division	365

Motor vehicles stolen

99. Mr H H SCHWARZ asked the Minister of Justice:

Whether any *(a)* prosecutions were instituted and *(b)* convictions were obtained in respect of motor vehicles reported stolen to the South African Police in 1985 and 1986, respectively; if so, how many in each category as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE:

The information is not readily available in the Department. In an effort to be of assistance to the Honourable Member, the following information was obtained from the Central Statistical Services:

1. For the period 1 July 1984 to 30 June 1985

   (a) 7 619 prosecutions instituted

   (b) 4 937 convictions obtained.

2. For the period 1 July 1985 to 30 June 1986

   (a) 7 131 prosecutions instituted

   (b) 4 730 convictions obtained.

Corporal punishment

135. Mr S S VAN DER MERWE asked the Minister of Justice:

(1) How many males *(a)* under the age of 18 years, *(b)* aged 18 to 20 years and *(c)* aged 21 years and over in each race group were sentenced to corporal punishment in 1986;

(2) how many strokes were inflicted in respect of each category of persons?

The MINISTER OF JUSTICE:

The information is not readily available in the Department. In an effort to be of assistance to the Honourable Member, the

'Bomb' appeal is held over

Cape Times 17/2/82

Staff Reporter

AN appeal by Nehemiah Meyer, 23, convicted last year of possessing an unexploded petrol bomb found just outside the home of the Democratic Workers Party leader, Mr Dennis de la Cruz, was yesterday postponed in the Supreme Court.

Meyer, of Wattle Road, Parkwood Estate, was convicted by Mr A P Kotze in Wynberg Magistrate's Court in June last year of possessing an explosive substance in Grassy Park on September 5 the previous year, and was sentenced to four years' imprisonment, half of which was suspended.

Fingerprints

He had been acquitted on a first charge of arson or malicious damage to property, which the State had tried to relate to another petrol bomb which landed on Mr De la Cruz's roof that night.

In the Supreme Court yesterday, Mr Michael Donen, for Meyer, argued that his client should not have been convicted of being in possession, as the bomb on which his fingerprints were found had not been in his possession when he was arrested.

Mr Justice D M Williamson told Mr W Viljoen, for the State, that it seemed the State's case relating to the possession charge had gone "down the drain"

Mr Justice Williamson asked whether the court could instead make a finding on whether Meyer was guilty of attempted arson on account of the bottle found beside the house, or whether this matter could be referred back to the magistrate.

Mr Justice A J Lategan, who also presided over the appeal, remarked that there had not been an acquittal on this possible alternative

The matter was postponed sine die so that counsel for both parties could present arguments on whether the court could make such a finding. Meyer remains in custody.

Mr M Donen was instructed by R Vassen and Co

CAPE TIMES 19/2/87

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Shooting: SAP to pay widow

By SHAUNA WESTCOTT
Supreme Court Reporter

A POLICEMAN who shot a Salt River father of three in the head at point-blank range has been condemned by the Supreme Court as "a person with little regard for the sanctity of human life".

Lieutenant John Baird, a warrant-officer at the time of the shooting of Mr Ebrahim Carelse, was cited with the Minister of Law and Order in a damages action for R51 975 brought by Mr Carelse's widow, Jawaya.

The exact sum to be paid to Mrs Carelse is still to be determined.

Mr Acting Justice B Hoberman ruled yesterday that police had failed to establish that they were justified in arresting and therefore shooting Mr Carelse.

Mr Carelse was shot on the night of September 5, 1985, outside the kitchen door of a neighbour's house. He died of his wounds five days later.

The lieutenant made "a poor impression" on the judge, who dismissed his evidence saying:

"He was obviously a well-experienced witness who gave his evidence with an air of confidence which often verged on arrogance. He was scornful of any criticism of his conduct.

"Where a fair-minded man would, in retrospect, have conceded that he should have acted differently, he chose to laugh at the suggestion.

"I carefully observed him in the witness box. I was left with the firm impression that he was bent on exculpating himself rather than answering the questions put to him honestly and objectively.

"What I also found disquieting is that his evidence revealed him as a man with little regard for the sanctity of human life — a trait that is not without relevance in this matter," the judge said.

Mr R P Hoffman, instructed by Herbsteins, appeared for Mrs Carelse. Mr W J Louw, instructed by the State Attorney, appeared for the defendants

Mrs Carelse to spend the money on children

By RENEE MOODIE

"ALL the things my husband would have bought the children if he had still been here", is what Mrs Juwaya Carelse will spend the money on.

She said she was "very pleased" with the court's finding that her husband had been shot illegally.

Mrs Carelse said she did not yet know how much money she would receive, although she has claimed nearly R51 975.

Mrs Carelse has been living with her mother and has been supporting her three children, Galieha, 15, Siraaj, 12, and Erifaan, 7, on a widow's pension of R200 a month.

"There is just never enough money to buy the children the things they want — so that is what I will use the damages for," Mrs Carelse said.

She expressed her gratitude to her lawyers, advocate Mr Paul Hoffman and attorney Mr Barry Halliday. "Without them we would have gotten nowhere," she said.

Courts cannot stop the fighting official

Supreme Court Reporter

COURT interdicts would be ineffective in stopping faction violence in Khayelitsha, according to an affidavit filed in the Supreme Court by black affairs official Mr Graham Lawrence.

Mr Lawrence said faction fighting was unfortunately common in South Africa.

In affidavits before the court yesterday members of the "conservative" Lingelethu Committee, which was recognised by Government authorities as representing the residents of sites B and C in Khayelitsha, admitted demolishing a community hall and the homes of three members of the rival "radical" Joint Action Committee (JAC).

A temporary order restraining Mr Mali Hoza, president of the Lingelethu Committee, and nine others from attacking anyone or damaging any property in sites B and C was granted in December 1986 following an application by Mr Mtati Ruben Fulani, chairman of the JAC, and six supporters.

"Intimidated"

Yesterday Mr Justice King postponed the matter for trial on March 19.

Mr Hoza said in an affidavit that members of the JAC intimidated residents of Site C and B to force them to support the JAC

The intimidation and violence became so bad that in mid-November 1986 the Lingelethu Committee "delivered an ultimatum to the JAC that if they didn't stop their disruptive activities their houses would be broken down and they would be driven out of the area", Mr Hoza said

This warning was ignored and on December 2 the houses of Mr Fulani, Mr Thomas Ngwane and Mr Bonsile Benson Jonga and a community hall were demolished by supporters of the Lingelethu Committee.

"I believe the action was justified and I expect supporters of my committee will take similar steps to protect themselves in future if the applicants (Mr Fulani and seven others) persist in their unlawful conduct," he said.

In an affidavit Mr Lawrence, director of housing of the Western Cape Office for Community Services, Cape Provincial Administration (formerly the Western Cape Development Board), denied allegations by Mr Fulani that he favoured Mr Hoza's committee.

"On the contrary, I was in the process of mediating between the two committees when the application was launched.

"Phenomenon"

"To have shown favour to one faction or the other would have been counter-productive to the mediation process and I am as anxious as anybody else that there should an end to faction fighting in Khayelitsha and elsewhere," Mr Lawrence said.

Mr Hoza's committee was considered to be conservative and Mr Fulani's radical, and intimidation by both groups had been reported to Mr Lawrence.

If members of Mr Hoza's group were interdicted from attacking people and property in the area, others would step into their shoes and the factional rivalry would continue The same was true of Mr Fulani's group, Mr Lawrence said.

Interdicts would not remove rivalry or violence of factions

"Unfortunately, faction fighting is a common phenomenon in this country."

lished, or if the development of the foreshore has proceeded to a stage where the existence of the Board is no longer necessary, the Board may be abolished The Board was entrusted mainly with the lay-out, development and management of the Foreshore, Cape Town and had in 1979 completed the work necessary for the future development of that area Abolishment of the Board took place with approval of Parliament because the Act has been amended in 1978 to effect the transfer of Board's powers, duties, assets and rights possible

(b) When the Board was abolished its powers vested in the State The foreshore has been included in the area of jurisdiction of the City Council of Cape Town and the municipal ordinances are therefore applicable to the foreshore.

Laaiplek: complaints about members

502. Mr S S VAN DER MERWE asked the Minister of Law and Order:

(1) Whether the South African Police have received any complaints with regard to the conduct of members of the Police at Laaiplek at the time of an incident that took place in December 1986; if so, *(a)* what was the purport of these complaints and *(b)* (i) where and (ii) when were they lodged;

(2) whether he or the South African Police have taken any action with regard to these complaints, if not, why not, if so, *(a)* what action and *(b)* when?

The MINISTER OF LAW AND ORDER:

(1) Yes, in January 1987 and not in December 1986.

(a) That the South African Police failed to attend to a complaint which arose from an incident on 3 January 1987, when a member of the public allegedly shot the late Jonathan Slabbert

(b) (i) The complaint was submitted to the head office of the South African Police

(ii) On 13 January 1987

(2) Yes. *(a)* and *(b)* A departmental investigation into the allegation was ordered immediately.

Special constables

503 Mr S S VAN DER MERWE asked the Minister of Law and Order

Whether special township constables who wish to resign are required to pay a sum of money before being released from their commitments; if so, *(a)* what sum and *(b)* why?

The MINISTER OF LAW AND ORDER.

Before I reply to the question, I want to draw the attention of the honourable member to the fact that the South African Police do not employ township constables.

Should the honourable member refer to special constables, my reply to the question is as follows:

No *(a)* and *(b)* Fall away

Resignation: money required

504 Mr S S VAN DER MERWE asked the Minister of Law and Order.

Whether members of the South African Police who wish to resign are required to pay a sum of money before being released from their commitments; if so, *(a)* what sum in respect of each rank and *(b)* why?

The MINISTER OF LAW AND ORDER.

Yes

(a) R250,00 during the first year of duty.
R150,00 during the second year of duty.
R100,00 during the third year of duty
R50,00 during any subsequent year of duty
Should a member of the South African Police who served for a continuous period of three years, beforehand give a minimum of three months written notice, payment of the money falls away
Payment of money is applicable only to members below the rank of a commissioned officer.

(b) Because training of members of the South African Police involve major financial expenditure, and payment of such sums of money by junior members partly compensates therefore

Port Elizabeth: family housing units

508 Mr A SAVAGE asked the Minister of Constitutional Development and Planning:

(a) How many new family housing units for Blacks were built in Port Elizabeth in 1986 and *(b)* what (i) is the estimated number of persons waiting for, and (ii) was the total cost of building such units?

The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING.

(a) 1 160.

(b) (i) 24 984.

(ii) R58 025 000

Bus operators

509. Mr A SAVAGE asked the Minister of Transport Affairs:

What was the extent of the subsidy granted to bus operators in respect of commuter traffic in each of the four main metropolitan areas in the 1985-86 financial year?

The MINISTER OF TRANSPORT AFFAIRS:

Pretoria, Witwatersrand and Vaal Triangle metropolitan area	R89 565 282,66
Durban/Pietermaritzburg metropolitan area	R60 911 432,73
Cape Town metropolitan area	R22 443 495,22
Port Elizabeth/Uitenhage metropolitan area .	R 9 226 483,65

Cape Town: vagrancy/drunkenness

510. Mr K M ANDREW asked the Minister of Law and Order

How many *(a)* males and *(b)* females of each race group were arrested in 1986 for (i) vagrancy and (ii) drunkenness in the Cape Town police station area?

The MINISTER OF LAW AND ORDER.

	(a)	*(b)*
(i)	358 Coloureds	157 Coloureds
	41 Blacks	4 Blacks
	17 Whites	2 Whites
(ii)	2 504 Coloureds	1 449 Coloureds
	113 Blacks	48 Blacks
	305 Whites	16 Whites

Stellenbosch police district: offences

512. Mr P A MYBURGH asked the Minister of Law and Order:

How many cases of *(a)* murder, *(b)* culpable homicide, *(c)* assault with intent to do grievous bodily harm, *(d)* common assault, *(e)* rape, *(f)* robbery, *(g)* theft of vehicles and cycles, *(h)* damage to property, *(i)* housebreaking with intent to steal and theft and *(j)* possession of drugs were reported at each specified police station in the Stellenbosch police district in 1986?

The MINISTER OF LAW AND ORDER:

(ii) *Depression cases.* Where necessary cases were referred to a Psychologist, Psychiatrist (or both) for treatment. Cases were hospitalised where indicated.

(iii) *Minor complaints* Including tooth ache, tummy upsets, flue and colds, etc.
Appropriate treatment was administered.

Aids

535. Dr M S BARNARD asked the Minister of National Health and Population Development:

How many cases of aquired immune deficiency syndrome were diagnosed in 1986?

The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT:

Thirty one (31)

New Brighton: bottle-store

536 Mr A SAVAGE asked the Minister of Defence

(1) Whether a bottle-store in New Brighton has been commandeered by the South African Defence Force; if so, *(a)* when and *(b)* to what use have these premises been put since then,

(2) whether any persons detained in terms of emergency regulations have been *(a)* questioned and *(b)* held at these premises; if so, (i) how many in each case and (ii) what is the maximum period for which any detainee may be held at such premises,

(3) whether any detainees have been held in the cold-store at this bottle-store; if so, *(a)* how many, *(b)* why and *(c)* for what period was each of these detainees so held;

(4) whether an investigation has been held into this matter; if not, why not; if so, *(a)* what were the findings and *(b)* what action was taken as a result?

The MINISTER OF DEFENCE:

(1) No.

(2) *(a)* and *(b)* Yes.

(i) 289 in both cases

(ii) It is not specified in the Emergency Regulations.

(3) No

(4) No, it is not considered necessary
(a) and *(b)* Fall away

Necklacing

537 Mr A SAVAGE asked the Minister of Law and Order:

(1) *(a)* How many persons died by "necklacing" in the Greater Port Elizabeth/Uitenhage/Ibhayi/KwaNobuhle area in each month of 1985 and 1986, *(b)* what were their names and *(c)* where did they live;

(2) whether any suspects have been arrested in connection with these deaths, if so, in connection with how many deaths,

(3) whether, in respect of any of these deaths, the South African Police do not suspect political motives; if so, in respect of how many deaths?

The MINISTER OF LAW AND ORDER:

(1) to (3) I refer the honourable member to my reply to written Question Number 15 in the House of Representatives which is suffice.

Schackleton aircraft

538 Mr L F STOFBERG asked the Minister of Defence:

(1) Whether any Schackleton aircraft were withdrawn from service recently; if so, *(a)* (i) when, (ii) how many and (iii) why and *(b)* (i) how many of these aircraft are there still in the Republic and (ii) how many of them are airworthy;

(2) whether any of the remaining Schackleton aircraft have been placed in storage, if so, *(a)* where, *(b)* how many, *(c)* what does the South African Defence Force intend doing with the aircraft and *(d)* what steps are being taken to prevent (i) the aeroplanes from *(aa)* deteriorating and *(bb)* rusting and (ii) parts thereof being stolen?

The MINISTER OF DEFENCE

(1) No. The following information is nevertheless supplied

(a) (i) 23 November 1984

(ii) 7.

(iii) Metal fatigue on main spars.

(b) (i) 7.

(ii) None Three of the aircraft could possibly be made airworthy for non-operational purposes

(2) Yes.

(a) and *(b)* Air Force Base Swartkop—2, D.F. Malan Airport—1, Air Force Base Ysterplaat—3, SA Airways—1

(c) At present the intention is to preserve three of the aircraft as objects of historical value and to sell or exchange the others for other historically valuable aircraft.

(d) (i) *(aa)* Negotiations are underway to obtain a steel construction covered with shadow netting as a donation, for the protection of the aircraft at Air Force Base Swartkop The aircraft at D.F Malan Airport is standing in a hanger The remaining three are standing in the security area of the Air Force Base Ysterplaat

(bb) Normal preservation with regard to the three aircraft which could possibly be made airworthy

(ii) The remaining three aircraft standing at Air Force Base Ysterplaat, have been stripped of all usable parts. These parts together with the parts which were held in stock are being transferred to 11 Air Depot where normal accounting procedures are in force

Steam locomotives

539 Mr L F STOFBERG asked the Minister of Transport Affairs †

(1) *(a)* How many steam locomotives belonging to the South African Transport Services (i) were still in service in *(aa)* the Republic and *(bb)* neighbouring states and (ii) *(aa)* had been withdrawn from service and *(bb)* had been placed in storage, as at the latest specified date for which figures are available and *(b)* what types of locomotives in each of these categories form the majority,

(2) whether any of the remaining steam locomotives have been placed in storage; if so, *(a)* where, *(b)* how many, *(c)* what does the Transport Services intend doing with the locomotives and *(d)* what steps are being taken to prevent (i) the locomotives from *(aa)* deteriorating and *(bb)* rusting and (ii) parts thereof being stolen?

and where such need exists. The opportunity also exists to obtain scholastic qualifications up to standard 10 level by means of either class-room education or self-study, whichever method is the most practical under the specific circumstances.

Diploma, undergraduate and postgraduate studies are also allowed depending on certain conditions. Execution of the study policy and aid with study matters are managed by educationists who are organised on a prison command and/or regional basis.

The study program is backed by well-equipped libraries and direct and close liaison with the relevant educational institutions or responsible department, as the case may be.

Furthermore, in accordance with my announcement on 14 February 1986, a separate prison for sentenced juvenile offenders has been put into operation at Leeuwkop near Johannesburg, where particular emphasis is placed on educational and training programmes which are aimed at:

— The achievement of a minimum educational level of St 4,

— meaningful utilisation of time which is aimed at positive orientation after release;

— maintenance of social structures to counteract institutionalisation and to prevent recidivism;

— the fulfilment of religious needs;

— healthy physical development.

The need for similar separate facilities for juveniles in order regions has already been identified

Joint management centres

565. Mr A SAVAGE asked the Minister of Law and Order:

(1) *(a)* How many joint management centres had been established in the Port Elizabeth / Uitenhage / Ibhayi/ KwaNobuhle area as at the latest specified date for which information is available, *(b)* what are the names of the members serving on these bodies, *(c)* who appoints these members, *(d)* what are the (i) functions of these bodies and (ii) duties of the members thereof and *(e)* to whom do these bodies report;

(2) whether these joint management centres have sub-committees; if so, *(a)* what is the purpose of these sub-committees, *(b)* who are the members thereof and *(c)* what are their duties;

(3) whether these joint management centres have any links with the *(a)* Regional Development Advisory Committee for the Port Elizabeth/ Uitenhage area and *(b)* East Cape Strategic Task Force; if so, (i) what links and (ii) for what purpose?

The MINISTER OF LAW AND ORDER:

(1) *(a)* 6 centres.

(b) The names of members of joint management centres are considered and treated as classified information because these members may become targets of attacks and intimidation should their particulars be revealed

(c) Members are appointed by State Departments with an interest in the activities of the management centres.

(d) (i) The functions of these bodies are

(aa) The formulation of plans, in accordance with departmental guidelines and directives, dealing with social and welfare problems identified at regional levels

(bb) the promotion and co-ordinating of government actions thereby ensuring that it is applied to the greatest advantage of the community.

(cc) the co-ordinating of actions to counter the revolutionary onslaught.

(ii) The duties of members are to ensure that, through interdepartmental co-ordination and contact with the community in their region, the departmental line functions are executed as purposefully as possible in the interest of the community.

(e) The bodies are responsible to the respective departments, represented in the centres

(2) *(a)* to *(c)* Yes, but because furnishing of the information may possibly be to the detriment of the communities, I am not prepared to reveal these particulars. I am, however, prepared to furnish the information on a confidential basis to the honourable member, personally, should he approach me.

(3) *(a)* Yes.

(b) Yes

(i) Personal liaison by the chairman of the EPJHC who attends meetings of these instance as an observer.

(ii) With the aim of keeping abreast with planned developments in the region and to bring about the necessary co-ordination

Valhalla Park/Elsies River: unrest

566. Mr J VAN ECK asked the Minister of Law and Order:

(1) Whether any policemen were brought from outside the Cape Province to assist in police operations in unrest situations in *(a)* Valhalla Park and *(b)* Elsies River in Cape Town between 16 and 21 September 1985; if so, (i) how many and (ii) how many of these policemen were *(aa)* from Natal and *(bb)* Zulu-speaking;

(2) whether any of these policemen were subsequently sent to Upington to assist in police operations in connection with unrest-related incidents in the Black township of Pabalello, if so, *(a)* when, *(b)* why and *(c)* in what manner were they transported there?

The MINISTER OF LAW AND ORDER:

(1) and (2) I do not regard the furnishing of this information in the interest of the public.

Order imposing restrictions/conditions

569 Mr S S VAN DER MERWE asked the Minister of Law and Order:

Whether the South African Police recently served an order imposing certain restrictions or conditions on a certain person, whose name has been furnished to the Police for the purpose of the Minister's reply; if so, *(a)* when, *(b)* why, *(c)* what are the terms of the order and *(d)* what is the (i) profession and (ii) name of this person?

The MINISTER OF LAW AND ORDER:

Yes, I, however, do not consider it in the interest of the person concerned or the interest of the public to furnish additional particulars.

Teachers

570 Mr S S VAN DER MERWE asked the Minister of Law and Order:

Whether any teachers have been *(a)* detained by the South African Police and *(b)* restricted in terms of the emergency regu-

Terror: One man convicted, 6 freed

Court Reporter

A YOUTH and five men were yesterday acquitted in the Regional Court of terrorism and furthering the aims of the banned Pan African Congress.

A seventh man, Andile Gusha, 23, of Guguletu, who has been in detention for more than 13 months, was convicted on the charges.

The six acquitted are Mr Mzwandile Mciteka, 25, Mr Donald Mxutu, 66, Mr Simon Mayholewene, 64, all of Guguletu, Mr Bathemba Lugulwana, 33, of Langa, and Mr Taelo Ntlaba, 19, and a 17-year-old youth, both of Paarl.

In a confession handed in to the court, Gusha said he was member of the Azanian National Youth Unity (Azanyu) which was formed in Bonteheuwel in 1983.

He said he had gone to help in a fight between Azanyu and the UDF in Mbekweni and was threatened a number of times by UDF members when he returned.

Gusha decided that he had to leave South Africa for his safety and approached Mr Stanford Maliwa, a member of the PAC. Mr Maliwa had told him of PAC military camps in Lesotho.

He said Mr Maliwa was later burnt to death by members of the UDF. He had attended a funeral in Lady Frere, near Umtata, on January 19 After seeing a man in Transkei who informed them that the PAC had "enough soldiers" in the camp, they decided to return to Cape Town.

While stopping at a house to get money for their return, one of the men with Gusha told a man at the house that they had tried to get to Lesotho. "Unfortunately the man was a policeman" and they were arrested.

The magistrate, Mr J M Lemmer, said it was clear that Gusha intended to leave South Africa to attend a military camp for training.

Gusha had also attended a memorial service for Mr Maliwa where PAC pamphlets were "handed out".

He said the people at "these events were encouraged to act against the government". "But did Gusha associate himself with the actions of these people? It is clear, however, that he felt attracted to them."

Mr Lemmer said there was no evidence to link the other six to these activities. Sentence will be passed on April 10.

Mr A Duminy prosecuted The seven were represented by Mr F Bunting, instructed by Syfret, Godlonton, Fuller, Moore Incorporated, and Mr P Hazell instructed by Mr Ramesh Vassen

Man tells of sympathy with unrest victims

Staff Reporter

A Stellenbosch University law graduate told the Supreme Court in Cape Town he had sympathy with the victims of unrest violence while taking statements of allegations against the police and "homeguard", a right-wing vigilante group.

Mr Dawid Bosch, 27, former co-ordinator of the legal advice office for a Boland welfare organisation, was giving evidence in mitigation of sentence yesterday in the trial of four Zolani men convicted of public violence.

They are Mr Samuel Mangcola, 29, Mr Charles Msoki, 45, Mr Timothy Tyhalisisu, 39, and Mr Lemi Mhlomi, 25.

They were convicted of committing public violence by stoning the house and car of Development Board guard Mr Jim Calata and setting alight another car in April last year.

Mr J H Theron, for the State, asked Mr Bosch whether he had heard of the term "comrades".

Mr Bosch said he had read of the term in newspapers. He had no dealings with "comrades" in compiling sworn statements because most of the people who approached the Montagu-Ashton Community Service were parents of children who were either arrested or assaulted.

Mr Bosch said he took about 80 statements from residents about allegations against the police and the "homeguard".

Mr Theron asked Mr Bosch whether his sympathies lay with complainants when he took statements.

Mr Bosch: Yes, in that many had been assaulted and I wanted that to end.

Mr Bosch agreed his objectivity could have been detrimentally affected by the situation.

The hearing was postponed to March 12.

I found colleague shot dead at tavern, says former guard

Staff Reporter ARGUS 4/3/87

A FORMER security guard has described how he found a colleague shot dead and another wounded in the head and leg at the Lincoln Tavern in Belgravia Road, Lincoln Estate.

Mr Nasrullah Samie, a former employee of Lodge Security Services, was giving evidence in the Cape Town Supreme Court yesterday at the trial of five men, including two pairs of brothers.

Mr Nazir Bhawoodien, 27, and Mr Said Ahmed Bhawoodien, 21, Mr Moegamat Yusuf Abrahams, 21, and Mr Nazeem Abrahams, 26, and a fifth accused, Mr Rushdien Abrahams, 29, (not related) have pleaded not guilty to charges of robbery with aggravating circumstances, the murder of security guard Mr Frank William Joseph, the attempted murder of another guard, Mr Roslin MacDonald, and illegal possession of five firearms and several rounds of ammunition.

All the accused have admitted being at or near the scene of the alleged crimes but denied any involvement in them.

Mr Samie said he went to Athlone police station to file a report.

"When I returned to the tavern I found Mr Joseph lying on the pavement and Mr MacDonald lying on the other side of Belgravia Road at somebody's house."

According to the summary of facts drawn up by the State, Mr Joseph died of gunshot wounds to the head and chest and Mr MacDonald was wounded in the head and paralysed in the left leg as a result of a bullet wound.

The State also alleged that Mr Nazir Bhawoodien produced guns for use by all the other accused except his brother on the night of November 29. He armed himself with a revolver registered in his name.

The State alleged that the purpose of this action was "to go on a 'mission of justice' to obtain firearms to protect mosques against intrusion and desecration by police and the Ahmadiyyah, an opposition Muslim sect".

Mr Said Bhawoodien then allegedly waited in a vehicle near the Lincoln Tavern in the early hours of November 30 while the other four accused rushed towards the two guards.

"Numerous shots" were fired, causing Mr Joseph to fall down close to where he was sitting and injuring Mr MacDonald.

(Proceeding.)

CNR Times
4/3/87

Three appear in Laaiplek court

Staff Reporter

TWO men and a youth made their second appearance in Laaiplek Magistrate's Court yesterday on charges relating to a series of incidents which took place in the West Coast fishing village about two months ago.

Mr Clive Liebenberg, 21, of Church Street, Laaiplek, Mr Stanford Don, 19, of St Christopher Street, and a 16-year-old youth, who may not be named, appeared on a charge of assault with intent to do grievous bodily harm to Mr Gysbert Johannes van der Westhuizen in the Oasis Cafe on January 3.

Mr Liebenberg and Mr Don also face possible arson charges, and Mr Liebenberg also faces two counts of public violence, attending an illegal gathering and malicious damage to property.

The three were not asked to plead and the case was postponed to June 30 pending a decision by the Attorney-General.

They were released on bail ranging from R300 to R500.

Mr V Erasmus was the magistrate. Warrant-Officer N J A Laubscher prosecuted and Mr A Omar, instructed by Mr Enver Daniels, appeared for the accused.

CMC Times 4/3/87 275

Family perturbed at 'slow' shooting probe

Staff Reporter

NO ARRESTS have been made in connection with the fatal shooting of a 17-year-old youth in an alleged racial incident in Laaiplek two months ago.

A police spokesman for the Boland, Major Frank Alton, yesterday confirmed that the matter was "still being investigated" and that a murder docket had been opened.

The incident on January 3 sparked off two days of violence which left Mr Jonathan Slabbert and a police constable, Pieter van der Merwe, dead.

An attorney for the Slabbert family, Ms Andy Durbach, said yesterday that the family were "perturbed" at the "slowness" of the investigation, particularly as there were a number of witnesses and the facts seemed "pretty clear".

Eyewitnesses said Jonathan was among a large group in the Oasis Cafe when a white man made a racial remark. Jonathan was fatally wounded after a shot was fired.

The following morning residents gathered outside the police station demanding that the white man who allegedly shot Jonathan be arrested.

A number of stones were thrown at the police and Constable Van der Merwe later died of injuries he received.

Five accused of killing on 'justice mission'

Carf Times 4/3/87

Staff Reporter

FIVE young men pleaded not guilty in the Supreme Court yesterday to the murder of a security guard in a shoot-out in Belgravia Road, Athlone, during unrest in 1985.

One of the men, Mr Nazir Bhawoodien, 28, of Athlone, is alleged by the State to be "a supporter of the Muslim Youth Movement, Qibla".

The State alleges that on November 29, 1985, Mr Bhawoodien asked his four fellow accused to go on a "mission of justice for the purpose of obtaining firearms to protect mosques against intrusion and desecration by members of the South African Police and the Ahmadiyyah, an opposing Muslim sect"

The four are Mr Said Ahmed Bhawoodien, 22, of Athlone, Mr Moegamat Yusuf Abrahams, 22, of Bonteheuwel, Mr Rushdien Abrahams, 29, of Mitchells Plain, and Mr Nazeem Abrahams, 27, of Bonteheuwel.

They all pleaded not guilty to charges of robbery with aggravating circumstances, murder, attempted murder and unlawful possession of arms and ammunition

The security guard who died in the shoot-out on Saturday, November 30, was Mr Frank William Joseph, 37 Another security guard, Mr Roslin MacDonald, was wounded.

The State alleges that Mr Rushdien Abrahams and Mr Nazeem Abrahams were also wounded in the exchange of fire, and arrested in Somerset Hospital within hours of the shoot-out.

A witness, Mr Nasrullah Samie, another security guard who was also on duty at the Lincoln Tavern liquor store in Belgravia Road on November 30, 1985, told the court yesterday that he had left the Tavern before the shooting incident in question.

He had gone to the police station to lay a charge against a man who had pointed an R4 rifle at him and his fellow guard

While he was at the police station, he heard shots from the direction of the Tavern, and when he got there he found Mr Joseph dead and Mr MacDonald wounded. The hearing continues.

Mr Justice M R de Kock presided, with Mr W S O'Brien and Mr R Lewin as assessors Mr A de V la Grange and Mr C J Vermeulen appeared for the State Mr D de la Hunt, instructed by E Moosa and Associates, appeared for the Bhawoodiens Mr S Desai, instructed by Y Ebrahim and Co, appeared for Mr Moegamat Abrahams and Mr Nazeem Abrahams, and Mr M Donen appeared for Mr Rushdien Abrahams

Membership

48 215

6 138

56 000

22 000

132 353

Zolani 'despair'

Staff Reporter

ADVICE office worker Mr Dawid Bosch told the Supreme Court yesterday of the "despair" of Zolani parents faced with violence from a powerful "home guard" and a perceived lack of police protection.

Mr Bosch was giving evidence in mitigation of sentence for four men from Zolani, near Ashton found guilty of stoning the house and car of Mr Jim Calata, employed by the development board.

Mr Bosch, from the Montagu-Ashton advice office, told the court he sent "about four letters" to the police in December 1985, but the station commander told him he was not prepared to stop a 9pm township curfew imposed by the "home guard".

The hearing was postponed until Thursday next week.

does not take the matter any further."

CAPE TIMES 5/3/87 - 275

Laaiplek police death: 2 in court

Staff Reporter

TWO MEN appeared before Mr V Erasmus in Laaiplek Magistrate's Court this week in connection with possible murder charges relating to the death of a policeman who was fatally wounded in an incident outside the Laaiplek police station on January 4.

Constable Pieter J van der Merwe died after he was hit by a stone the day after an alleged racial incident in Laaiplek in which a 17-year-old youth, Jonathan Slabbert, was killed.

Mr Ralph Carolus, 26, of Noordhoek, Laaiplek, and Mr Eso Coetzee, 30, of Protea Street, Laaiplek, were not asked to plead and the case was adjourned until June 30 pending a decision by the Attorney-General.

The men were released on R300 bail.



News in Brief CAPE TIMES 6/3/87

Landmine blast boy dies

JOHANNESBURG. — Jaco Roos, the eight-year-old Nelspruit boy who was critically injured in a landmine blast in the Eastern Transvaal on August 17 last year, died yesterday in the Princess nursing home in Johannesburg He suffered serious head injuries in the blast, in which his mother, Mrs Marietjie Roos, was fatally wounded, and he has been in a coma for the past seven months.

CAPE TIMES 6/3/87

2 journalists charged

TWO journalists of the Oudtshoorn community newspaper Saamstaan will appear in George Magistrate's Court next week on charges under Section 27 (b) of the Police Act. The hearing of Mr Humphrey Joseph and Mr Mzukisi Mooi begins on March 10 and relates to the publication of allegedly untrue matter about the SAP. The charges arise out of their reporting of the shooting of Fezile Haase, 14, Patrick Madikane, 14, and Andile Majola, 13, on June 17, 1985, in Bongolethu township.

Boy, 3, drowns in dam

A THREE-YEAR-OLD Wellington boy drowned when he fell into a farm dam soon after 6pm on Wednesday. Boland police said yesterday that Rowan Hendricks, whose father is a prison warder at Hawequa Prison, was playing near the dam on the farm Heksberg with some friends when he fell into the water.

CAPE TIMES 6/3/87

8 on subversion charges

SEVEN men and a youth from Oudtshoorn's Bongolethu township appeared in the local magistrate's court yesterday on charges of subversion arising out of the alleged holding of "peoples' courts" and the establishment of street committees. They were not asked to plead and were released on R200 bail each. The hearing was postponed to April 10.

Robbed by 'casualty'

14 years for necklacing

CAPE TIMES 7/3/87

Own Correspondent

PORT ELIZABETH. — A 17-year-old "comrade" gave clenched-fist salutes and shouted political slogans in the Supreme Court here yesterday, after he was sentenced to an effective 14 years for his role in a necklace murder.

The youth, a self-confessed United Democratic Front supporter and "comrade", was convicted by Mr Justice Solomon of murder with extenuating circumstances in a case in which he was charged with murder.

Mr J de Villiers and Mr J A F Nel sat as assessors. Mr A M Omar and Mr R Pillay appeared for the defence.

'Kitscop' dies, another injured in attack

CAPE TIMES 9/3/87

By CHRIS STEYN

A NYANGA man was killed by a "kitskonstabel", a Guguletu special constable was stabbed to death and another was seriously wounded at the weekend.

Police confirmed yesterday that a man who was taken into custody by special constables was shot dead by of one of them shortly after being released.

A police spokesman said his death occurred shortly after the "kitskonstabels" went to investigate a complaint in Nyanga East at 7pm on Saturday night.

One of three suspects confronted by the special police produced an open jack-knife while being searched by them, said the spokesman.

Police said the youth was taken into custody and his knife was confiscated after he tried to stab one of the "kitskonstabels".

"On the way to the police station, the special police decided to let the youth go, since he had not really succeeded in stabbing anyone.

"But when he walked away, he was joined by a group of youths who swore at the special police and stoned them," the spokesman said.

A shot was fired after the crowd allegedly ignored a warning to disperse and a young man was fatally wounded.

Body removed

Police confirmed that it was the same youth who had earlier been released from special police custody.

The spokesman said that the crowd tried to drag the man away, but the special police requested them to disperse. His body was then removed by the "kitskonstabels".

In an unrelated incident, an off-duty "kitskonstabel" was stabbed to death and another seriously injured in an incident at a private home in Old Crossroads at 11.45pm on Saturday night.

A police spokesman said that one died after being stabbed with a sharp object, while the injured "kitskonstabel" was taken to hospital.

It is understood that the special constables were attacked by a group of youths. But police were unable to confirm this or give further details of the incident.

EMERGENCY UPDATE

Three policemen wounded in Guguletu ambush

ARGUS 10/3/87

Crime Reporter

A POLICEMAN and two special constables were wounded when their patrol was ambushed in Terminus Road, Guguletu.

They are Sergeant O Mollendorf, Constable T Qungqawa and Constable R Sipho.

Sergeant Mollendorf was hit by gunfire and the constables by shrapnel and shards of glass. They were not seriously wounded.

An attempted murder docket is being investigated. The attack happened about 11pm yesterday.

It is understood shots were fired out of the darkness at the vehicle in which they were travelling.

A Bureau for Information spokesman said no arrests had been made yet.

Police said 28 AK47 cartridges were found at the scene of the shooting. This might indicate there was more than one gunman. No further information was available.

The bureau spokesman also said a hand-grenade was thrown at the house of a council member in Meadowlands, Soweto, last night. The grenade missed his house and exploded on the roof of the house next door causing minimal damage.

Petrol bombs were thrown at two private homes yesterday. The incidents took place in Sebokeng, Vanderbijlpark, and Umlazi, Durban. No injuries or arrests were reported and damage was minimal.

Three policemen hurt in ambush

By CHRIS STEYN

A POLICEMAN and two kitskonstabels were wounded in an ambush in Guguletu on Monday night in the fifth attack on security forces in the township this year — bringing to four the number of policemen killed and six the number wounded in attacks this year.

Police last night vowed to catch those responsible "They can rest assured, like those before them who have taken pot-shots at the police, that we will track down each and every one of them — no matter how long it takes," said Law and Order press secretary Brigadier Leon Mellet.

The Bureau for Information yesterday confirmed that three members of the security forces, Sergeant O Mollendorf, Const T Qungqawa and Const R Sipho, were wounded when shots were fired at them while they were on patrol in Terminus Road.

Sergeant Mollendorf was hit by gunfire and the kitskonstabels by shrapnel Police found 28 AK-47 cartridges on the scene.

No arrests have been made.

During unrest last year, 27 policemen were killed and 185 injured.

The Minister of Law and Order, Mr Adriaan Vlok, said in Parliament earlier this year that the deaths and injuries were caused by necklace murders, attacks with firearms, pangas, axes, handgrenades and petrol bombs, and burnings

He said that "virtually without exception" the deaths were caused by "radicals".

□ A Guguletu off-duty kitskonstabel was stabbed to death and another seriously injured in an incident at a private home in Old Crossroads last Saturday night

□ On February 2, Constable Solomon Kondlo, 33, was stoned to death and set alight by a mob in Guguletu

□ In early January this year, Constable Gysbert Labuschagne, 20, died after a handgrenade, which injured two other policemen, was flung into a patrol car in Guguletu Warrant Officer H C Barnard suffered fractures of his left arm and shrapnel wounds to his chest and shoulder Reservist Constable G V Langeford was hit in the legs and chest

□ A few days later, Constable W L Mtetwa, 24, died in Guguletu when a gunman fired six shots from an automatic firearm through the window of his car.

Sapa reports that the Bureau for Information yesterday said that a handgrenade was thrown at the house of a council member in Soweto, near Johannesburg, on Monday night.

The grenade missed his house and exploded on the roof of the house nextdoor, causing minimal damage. No injuries or arrests were reported

The bureau also reported that petrol bombs were thrown at private homes in Sebokeng near Vanderbijl Park and Umlazi in Durban the same day No injuries or arrests were reported and damage was minimal

987

ARGUS 12/3/87

'Necklacing': Last of 39 accused freed

Argus Correspondent

EAST LONDON. — The three remaining accused in a trial arising from unrest in Sada in the northern Ciskei have been acquitted in the Supreme Court, Bisho.

There were 39 accused but charges against 36 were withdrawn earlier.

They were accused of two counts of murder arising from the death of two people by "necklacing" and one count of public violence.

The incidents allegedly took place during the night of April 24 last year. There had been a riot during which two people were killed and houses and cars were stoned and set alight.

Among the houses attacked was that of Ciskei's Minister of Justice, Mr David Takane.

Mr Justice Claasen, who sat with two assessors, discharged the remaining accused, Mr Makabongwe Mdaka, 20, Mr Tutwana Toro, 23, and Mr Lizo Kofi, 16.

The judge said the State "failed to adduce any evidence connecting the accused to the crimes".

The hearing was marked by allegations of assaults by Ciskeian police on the accused and witnesses.

Police took side of vigilantes, court told

CAPE TOWN — There were grounds for believing that police sided with vigilantes in the Ashton township of Zolani, the Supreme Court was told here yesterday.

Mr John Whitehead was arguing after leading evidence in mitigation in the trial of four Zolani activists — Samuel Mangcola (29), Charles Msoki (45), Timothy Tyhalisisu (39), and Lemi Mhlomi (25) — all convicted of public violence.

The four were found guilty of stoning two cars and a house belonging to vigilantes and setting a car alight.

The court was told that a Warrant Officer Joubert did nothing when a resident tried to report that vigilantes had stoned and burnt his house.

He then told six vigilantes "that's good," when he heard they had done it.

The trial was postponed until April 3. — Sapa.

STAR
13/3/87

CAPE TIMES 13/3/87

Court hears of possible police, vigilante link

Supreme Court Reporter

THERE were grounds for believing that police sided with vigilantes in the Ashton township of Zolani, the Supreme Court was told yesterday.

Mr John Whitehead was arguing after leading evidence in mitigation in the trial of four Zolani activists — Samuel Mangcola, 29, Charles Msoki, 45, Timothy Tyhalisisu, 39, and Lemi Mhlomi, 25 — convicted of public violence.

The four were found guilty of stoning two cars and a house and setting one of the cars alight. The court has heard that cars and house belonged to vigilantes who were among 16 ordered by the Supreme Court last year to refrain from operating as vigilantes and enforcing a curfew in Zolani.

Vigilante assaults

Mr Whitehead said the residents of Zolani opposed to the community council and its vigilante supporters approached the Supreme Court for help in desperation last year after their pleas for police protection from vigilante attacks fell on deaf ears.

He said the apparent disinterest in these court proceedings of a police colonel charged with investigating residents' complaints against the police was "highly questionable" and that the colonel's evidence was "frankly unacceptable".

Among allegations made in papers that were part of these proceedings was that the investigating officer in the current case, one Sergeant Laing, stood idly by while vigilantes assaulted residents

Another allegation was that one Warrant-Officer Joubert did nothing but whistle when a resident tried to report that vigilantes had stoned his house and set it alight He then conferred in whispers with six vigilantes and said "That's good" when they told him "We did the job"

Mr Whitehead said the court was fortunate to have heard the evidence of Mr Dawid Bosch, former co-ordinator of a legal advice office in the area, who broke down and wept in court when he described how police ignored his sustained rational pleas for action to protect the community.

If an articulate and educated man like Mr Bosch could cry in open court recalling this experience, Mr Whitehead said, the frustrations and bitterness of local residents must have been enormous.

"What it boils down to is that the accused took the law into their own hands," Mr Whitehead said. "They decided to teach the vigilantes a lesson."

The trial was adjourned to April 3 after the Bench requested NICRO to investigate the feasibility of the accused doing community service in Zolani.

ARGUS (275)

Zolani: Sentence on four postponed

Staff Reporter

SENTENCE in the Supreme Court trial of four Zolani, Ashton, men convicted of public violence has been postponed to April 3.

Samuel Mangcola, 29, Charles Msoki, 45, Timothy Tyhalisisu, 39, and Lemi Mhlomi, 25, were found to have stoned the house and car of a Development Board guard and set alight a car during unrest in Zolani last April.

Mr J H Theron, for the State, asked for the men to be imprisoned.

Counsel for three of the men, Mr J Whitehead, proposed the possibility of community service. The case was postponed to obtain a report from Nicro about the feasibility of this.

Lewis Crosby arrives in town and applies for a job at Racine's agency Laurie's

ice-skat

11.57: Transm

Muslims had 'letter for NGK'

Cape Times 14/3/87

Court Reporter

MUSLIMS gathered on the Grand Parade to take a letter to the Groote Kerk in Adderley Street after the Ned Geref Synod pronounced Islam a false religion, the Magistrate's Court heard yesterday.

This was the evidence of Mr Sulaiman Ernie, 34, of Mitchells Plain, one of eight charged with attending an illegal gathering on the Parade on November 1 last year.

The others are Mr Mogammat Zottenberg, 19, of Heideveld, Mr Nazeem Essack, 19, of Cape Town, Mr Abdulatief Sterras, 49, Mr Gasant Peteren, 43, both of Bonteheuwel, Mr Amien Arnold, 33, Mr Dawood Schloss, both of Mitchells Plain, and Mr Moegsien Vallie, 40, of Lansdowne.

Mr Ernie said he would have attended the meeting "for my religion" even though he knew it was unlawful. He said they had prayed.

Mr Zottenberg said he had attended the meeting but had not distributed pamphlets He had gone to the Parade to affirm his faith as a Muslim. The meeting had taken the form of a religious gathering and he moved away from the group gathered at the statue of King Edward VII as he was afraid of the "policeman with whips".

Mr Essack said he had prayed at the statue and had left when the group was ordered to disperse. While he was walking through the crowd he was arrested.

He said the group wanted to show that they "disagreed with the NG and that Islam was not a false religion". On the previous day the Imam had informed the men at the mosque of the meeting.

Mr Sterras said the meeting was not a political one but a religous one and it was "not wrong".

Mr Arnold said he ran when he saw a policeman running towards him with a whip. He had no intention of joining the crowd and did not.

The hearing continues on Monday.

Mr M J C Tolken was the magistrate Mr B de Vries prosecuted Mr D Kawalski instructed by E Moosa and Associates appeared for the eight

...Queen on March 24.

Argus 16/3/87 (2) 575

SAP rifle 'sold to Crossroads leader'

Tygerberg Bureau

A FORMER Crossroads police reservist told Parow Regional Court he had acted as mediator in the sale of a "large rifle" during unrest in the squatter camp last year.

The rifle was stolen on August 15 with a blue, unmarked police van from the home of a Murder and Robbery Squad detective.

Mr David "Baai" Sidinana, a former police reservist, appeared as a State witness in the trial of Mr Michael Sibikya, Mr Bhetele Soja and Mr Dominic Nkwana, all of Crossroads.

The three have pleaded not guilty to charges of stealing a blue police van and its contents, including an R-1 rifle and ammunition. They also pleaded not guilty to alternative charges of illegal possession of the rifle and ammunition

Mr Sidinana said the three accused were involved as sellers when he negotiated the sale of a "large rifle" for R650 to a Crossroads leader, Mr Zalisile Tida, on August 16 last year.

Mr Sidinana said he was approached by Mr Nkwana to find him a buyer for the rifle.

Mr Nkwana found them a group of buyers, headed by Mr Tida.

Mr Sidinana and Mr Tida said in evidence that the transaction was handled by Mr Sibikya, who set the price at R650. The men paid Mr Sibikya R400 on the spot and later gave Mr Sidinana the balance of R250.

The police reservist was given a R30 fee

The hearing continues today.

Mr J D Huggett was on the Bench, Mrs M Voges appreared for the State and Mr Soja was represented by Mr B Lutzno

Cape Times 17/3/87 275

Student's appeal against jail term dismissed

By SHAUNA WESTCOTT
Supreme Court Reporter

A THEOLOGY student's appeal against conviction and an effective 18-month jail term for being part of a crowd which stoned a five-ton Pick 'n Pay truck was dismissed by the Supreme Court yesterday.

Cyril Afrika, 26, of Athlone, was convicted of public violence with Said Bhawoodien, 20, of Rylands and Robert Claasens, 28, of Athlone. All were sentenced last May to three years, with 18 months suspended.

Wynberg Regional Magistrate Mr J C Lategan found that the three were part of a crowd of about 50 people who stoned the truck in Thornton Road on October 15, 1985.

Among his reasons for the finding was that the three supported the actions of the crowd because it "furthered the ideology they stand for". He dismissed evidence that they were simply bystanders.

Dismissing the appeal, Mr Justice H C Nel said the three were weak witnesses whose stories did not make sense. It was clear they were in the immediate vicinity of the truck when police arrived.

There were only two possibilities — either they took part in the public violence or they were innocent onlookers. However, police witnesses had expressly said: "There were no curious onlookers standing around. All were involved in the incident."

He dismissed the argument that there was no evidence against the three, only suspicion and speculation, and agreed with the magistrate that the only reasonable inference to be drawn was that they were guilty of public violence.

Mr Justice Nel presided with Mr Acting Justice R G Comrie. Mr P J Marais appeared for the State. Mr J Slabbert, instructed by Snitchers and E Moosa and Associates, appeared for the three.

Argus 23/3/87 (278) (USED)

Kitskonstabels 'source of increasing tension'

Staff Reporter

THE Progressive Federal Party has sent detailed accounts of 11 alleged incidents involving township "kitskonstabels" in the Western Cape to the Minister of Law and Order, Mr Adriaan Vlok.

The incidents, investigated by the party's Unrest Monitoring and Action Committee (Umac), allegedly took place between December 2 last year and March 7 this year. They include four fatal shootings, one shooting and six assault cases.

In an accompanying letter, Claremont MP and Umac chairman Mr Jan van Eck told Mr Vlok he was sending him the information as a matter of "extreme urgency."

Provocative

Since the introduction of special constables in Nyanga, Guguletu, New Crossroads and KTC, "increasing tension" had built up between the constables and the community.

"I want to put it clearly that these constables and the exceptionally provocative and violent methods they use against ordinary people does irreversible damage to the whole matter of law and order," he said.

"Their conduct is manna in the hands of any revolutionaries."

Mr van Eck said opposition to the "kitskonstabels" was "incredibly widespread" and affected all levels and sectors of the community, not just the "more politicised or radical" groups.

The fatal shootings listed were those of Mr Colin Goba at Fezeka High School, Guguletu, on January 17, Mr Sydney Siyo at Khayelitsha (January 30), Mr Sydney Petshana at Guguletu (February 1) and Mr Walter Mangqase at Nyanga East on March 7.

(Report by Robert Houwing, 122 St George's Street, Cape Town.)

Eight jailed for attempted Zolani murder

Crime Courts
24/3/87
375

By SHAUNA WESTCOTT
Supreme Court Reporter

JAIL terms ranging from 15 to six years were imposed by the Supreme Court yesterday on seven adults and one youth found guilty of trying to murder the wife of a Zolani vigilante.

The court found that Phyllis Fante, sentenced to 15 years, was motivated by a desire for revenge when she led an attack on 24-year-old Mrs Aletta Matroos, who was set alight after being stabbed more than 50 times.

Mrs Matroos had previously given evidence against Mrs Fante's husband who was subsequently sentenced to eight years in jail for arson.

Eight-year jail terms were imposed on Povo Libalele, Melphin Mkholi and Thozamile Mana — all "about 20" at the time of the crime — and on Zolile Klaas, who was 17.

Phillip Matoti, 19 at the time, and a youth who was 16, were sentenced to six years Andile Tyemela, deemed to be 25 by the court, was jailed for 12 years.

Hearsay evidence

Mr Justice P W E Baker dismissed as "99% hearsay evidence" the testimony in mitigation of former advice office worker Mr Dawid Bosch, who told the court that Fante was one of many Zolani residents whose attempts to gain protection from vigilante assaults were in vain.

"I do not say that Mr Bosch is biased against the vigilantes but his evidence can be read that way," the judge said.

Having heard that the Supreme Court last year granted an interdict restraining the vigilantes from enforcing an illegal curfew, Mr Justice Baker remarked that the vigilantes "perhaps did go a bit far at times in dealing with people found wandering around".

No justification

But this was no justification for attempted murder, he said.

Among other remarks of the judge was that Matoti was "an unusual young man" by virtue of his "completely European features and hair and only a slightly sallow complexion".

Another was that the youth was "a little effeminate" and that his "curious belief" in Rastafarianism was not a ground for thinking him mentally unstable.

Mr J J Basson and Mr A J Powell were assessors Mr C Cilliers prosecuted. Mr A M Omar and Mr S Desai, instructed by Mallinick Ress Richman and Closenberg, appeared for the eight.

SouthNEWS

'I begged cop to help my dying son'

By Moira Levy

A SWORN statement by the father of a youth shot dead in a racial flare-up in the west coast town of Laaiplek, complaining that the police did nothing to stop the violence, has been sent to the Commissioner of Police and the Department of Post and Telecommunications.

Jacobus Johannes Slabbert, father of 17 year old Jonathan who died in January, has claimed that all his efforts to get police help during the incident were ignored.

He also alleges that an attempt to put through an urgent call to police in the nearby city of Paarl was refused by the Laaiplek telephone exchange.

Attorney Enver Daniels confirmed violence first broke out at a local black pleasure resort when New Year fun-seekers clashed with white youths.

Later that day fighting erupted again at the Oase Cafe, allegedly after a Mr G. J. van der Westhuizen called the locals "hotnotte". In the chaos that ensued a shot was fired, and Jonathon who was said to be sitting on the pavement across the road at the time, was hit.

Slabbert said in his statement that he arrived at the scene to see his son's limp body being carried by about four youths.

"I ran towards the police station. I saw two policemen there. I begged them to do something. I was hysterical at the time.

"I was merely told by the policemen to whom I had spoken that I must calm down...I wanted the police to summon help and to intervene in the incident but they did not."

When Henry Smeda, the chairperson of the local civic association, later tried to telephone the police in Paarl, "the exchange told him in crude terms that he would not put him through," Slabbert wrote in his affidavit.

Jonathon was taken to hospital where he died the next day.

His death provoked a fresh outbreak of violence in the town.

According to Enver Daniels, a policeman was killed and two others were injured.

"Had the police intervened after the shooting and at least attempted to ascertain what had happened, the violence which erupted in Laaiplek after the shooting would not have taken place," Slabbert said in his statement.

"The police station is close to the Oase Cafe and the police were able to observe from the police station what was happening at the cafe."

Daniels confirmed that the affidavit had been sent to the Commissioner of Police and the Post and Telecommunication department to lodge a complaint about their refusal to assist

And following the incident Mr Slabbert has claimed that he has been unfairly dismissed from his job in the local fishing industry and he is seeking reinstatement through the Industrial Court.

An industrial Court action has also been brought by Smeda and two other fishermen who claim that they were not re-hired this year because they were detained in January under the emergency regulation.

The Minister of Law and Order confirmed that he got complaints in Januarys. A departmental inquiry has been opened.

Cape home bombed

A petrol-bomb attack and stonings were the only unrest incidents reported yesterday, according to the Bureau for Information.

The petrol-bomb attack was on a private home in Guguletu, near Cape Town, and the stonings were mainly in kwaMashu, near Durban.

No injuries or arrests were reported and damage was minimal, the bureau said in its daily unrest report. — Pretoria Bureau.

23/5/87

O/E ARGUS 28/3/87 275

NEWS

Laaiplek dozes again

Life back to normal after black weekend

by ROBERT HOUWING
Weekend Argus Reporter

MORE than three months after an alleged racial incident unexpectedly rocked little Laaiplek and led to two deaths, community life seems back to normal — but some bitterness lurks beneath the surface.

The harmony of old, some residents say, will only return when — and if — the alleged instigators of the incident are brought to justice

There is also ill-feeling about the alleged refusal of an exchange operator to put through a "desperate" call by a resident to Paarl police headquarters during the turmoil.

In this case, too, investigations by the Post Office have been slow and no findings have yet been released

Sometimes described as a "suburb" of nearby Velddrif, the sedate Boland fishing village at the mouth of the Berg River doesn't feature on many maps.

Black weekend

Few people outside the Western Cape would have heard of it before the black weekend in early January when Jonathan Slabbert, 17, was fatally wounded in a shooting incident and Constable Pieter van der Merwe, 34, was struck on the head after stones were thrown by an angry crowd.

The policeman died in hospital of brain injuries and was buried with full military honours at Vredenburg, while about 500 people attended the schoolboy's funeral service at the Apostolic Church in Laaiplek.

After years of sleepiness, the village suddenly appeared on television screens around the world.

According to papers which appeared before the Supreme Court, Cape Town, in an application for an interdict ordering the release of two Laaiplek residents, the stormy weekend allegedly began when a white man referred to someone as a "Hotnot" in the Oasis Cafe, Jameson Street.

A fight followed and the culprit was assaulted. His wife appealed to the cafe-owner, Mr Hennie Greef, for help and Mr Greef allegedly fired shots. Jonathan was wounded and later died.

Sworn at

Residents alleged local police did not intervene.

When Mr Henry Smeda tried to telephone the police in Paarl, the exchange refused to put through the call and he was sworn at.

Angered by the alleged refusal of the police to arrest Mr Greef, a crowd gathered outside the cafe the next day and smashed windows.

Tearsmoke and birdshot were used and, during the fracas, Constable van der Merwe was injured and subsequently died.

Several men and youths have appeared in Laaiplek Magistrate's Court on various charges relating to the violence. No one has appeared in connection with Jonathan Slabbert's death.

An attorney acting for the Slabbert family, Ms Andy Durbach, said that after her company sent "several" letters to the police, she received a letter on Wednesday advising her that investigations were "not yet complete," but that they "should be ready in a few days."

Confirming this, police spokesman Lieutenant Niel Bouwer said the docket would be submitted to the Attorney-General for a decision.

A notable change since the unhappy weekend is the new management of the Oasis Cafe — now simply called Laaiplek Cafe.

Mr Eddie Roos of Bellville has bought the business.

Mr Greef packed his bags and left after the trouble, and has apparently not been seen back in Laaiplek.

"Some people were a little suspicious when Mr Roos took over," says cashier Mrs Anita Smit, 41, who was born and bred in Laaiplek.

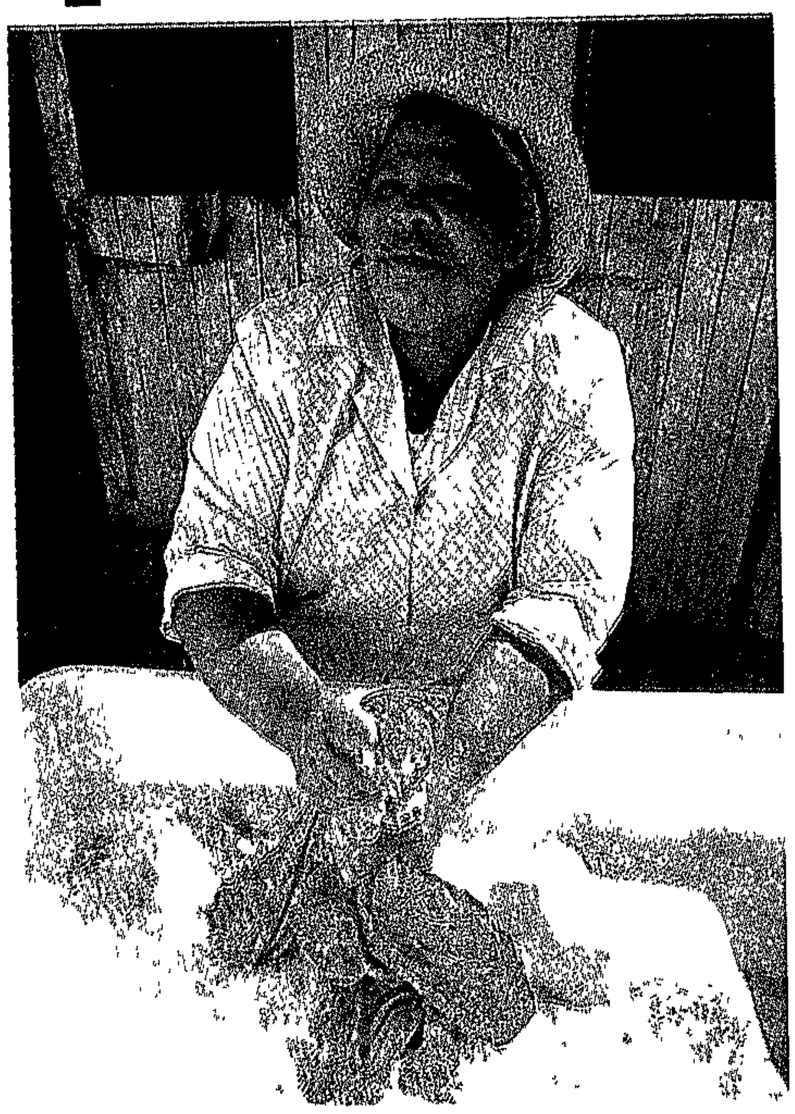
"They thought he was related to Mr Greef. But there is no connection.

"Things are basically back to normal. Almost everyone is happy, although a few will only be content again once the law has run its course.

Mr Jimmy Laubscher, manager of the furniture shop opposite the cafe, says the violence is a thing of the past.

"It was the first and last time something like that will happen. It was just a couple of idiots who started it all."

Mrs Lena Slabbert, 54, Jonathan's mother, says she remembers giving him money to go to the cafe on the fateful evening of the shooting. The next time she saw him, it was to identify his body at Salt River mortuary.



Mrs Lena Slabbert, mother of shooting victim Jonathan Slabbert, 17, goes about her daily domestic chores. Although willing to forgive, she insists that only proper justice will settle the matter for good.



The Oasis Cafe, scene of the racial incident that sparked Laaiplek's bloody weekend, has changed its name and management. Cashier Mrs Anita Smit, middle, symbolises the new spirit with shop workers Mrs Margaret Wilson, left, and Miss Diana Barnard.

House bombed

PRETORIA. — An unidentified person threw two petrol bombs at a policeman's house in Xolani, Grahamstown, on Tuesday, causing damage of about R1 000, the Bureau for Information said. In another incident in the township, six people petrol-bombed a private vehicle, causing minimal damage. There were also stonings. No injuries or arrests were reported. — Sapa

– about 220km north-west of Vryburg — for this purpose.

Capt Trials 2/487 275

Bophuthatswana rioting

MMABATHO. — Rioters stoned houses and shops and attacked police in Pampierstad in the Taung district of Bophuthatswana early yesterday. Police opened fire and one of the rioters was injured, while 37 were arrested. The municipal office in the township was petrol-bombed, windows at the post office were smashed and telephone lines cut. Police reinforcements were called in to restore order. The cause of the unrest could not be established.

Rhodes 31/8/87

Rhodes students run wild: Art ripped

The Argus Bureau

PORT ELIZABETH. — Students protesting about alleged racist practices in the allocation of bursaries at Rhodes University in Grahamstown ran wild, causing damage estimated at thousands of rands.

Vice-chancellor Dr Derek Henderson said students ripped down paintings of historic figures after a sit-in in the administration block.

University authorities at first refused to negotiate with the Black Student Movement (BSM) while students occupied the building.

PROCEDURE

It was the second demonstration of its kind in a week.

Dr Henderson later agreed to a demand by the students that they be represented at a senate meeting.

A BSM committee met the senate executive to discuss procedure for the movement to put its case to the senate, which meets today.

A university spokesman said black students last year received 43 percent of the bursaries, though they represented only 22 percent of the students.

"MORE FAVOURABLY"

Rhodes public relations officer Miss Mary Burnett said the value of the 1987 awards to black students was R339 717. White students received R448 631.

Thirteen of the 127 bursaries received by blacks students were available to blacks only.

On this basis the black students were being treated more favourably than whites, Mrs Burnett said.

A BSM spokesman said the issues of bursaries and sport would be disscussed.

Policemen wounded in Nyanga

Staff Reporter

THREE Reaction Unit policemen have been wounded in Nyanga in a hand-grenade explosion under their patrol van.

And it is understood that at least eight bullets hit the van as it was driven to safety.

The men were taken to No 2 Military Hospital in Wynberg. Their names have not been disclosed.

The attack took place in Terminus Road at 7.30 last night 150m from the scene of a grenade attack which left one policeman dead and two injured earlier this year.

Lieutenant R. Olivier of police headquarters in Pretoria confirmed the attack.

It is understood that the policemen, on routine patrol, drove to Manenberg police station after the attack.

Among the competitors will be the opposit on to t ie favourites.

Cape Times 4/4/87 275

Zolani 4 get service sentences

By SHAUNA WESTCOTT
Supreme Court Reporter

A HISTORIC sentence, aimed at effecting reconciliation in a bitterly divided community, was imposed by Mr Justice D M Williamson in the Supreme Court yesterday on four Zolani activists convicted of public violence.

The sentence, comprising suspended jail terms, compensatory payments to the victims and a two-year period of community service, was passed on Samuel Mangcola, 30, Charles Msoki, 44, Timothy Tyhalisisu, 40, and Lemi Mhlomi, 25.

It is the first sentence imposed in the recent spate of public violence cases that has not involved imprisonment.

The four — convicted of stoning the house and car of Mr Jim Calata and of stoning and setting alight the car of Mr Stanford Matroos — were sentenced to six years conditionally suspended for five years.

They were ordered to pay compensation of R4 500 and R4 000 to Mr Matroos and Mr Calata respectively, with interest of 15% calculated from yesterday. Each is to pay R500 immediately to each man from their bail money.

Thereafter they are each to pay monthly instalments of between R20 and R30.

In addition they were ordered to perform two years of community service from 8am to 4pm every Saturday. They are not to be under the influence of liquor or drugs while doing so and must work two extra Saturdays for every Saturday missed for whatever reason.

Mr Justice Williamson said that had anyone been injured as a result of the men's actions, he would not have had any hesitation in sending them to jail "for a long time".

"This is not to say that jail is not an appropriate sentence for public violence where no injury to persons is caused. But circumstances alter cases and this case has features which make it somewhat different to the type of public violence which has unfortunately been so common in recent times where indiscriminate attacks are launched on innocent members of the public."

The judge said he was impressed by the evidence of Mr Dawid Bosch, a former advice office worker in the area, who was "obviously a person who cares deeply and who became involved in Zolani community affairs".

The thrust of Mr Bosch's evidence was that "quite a large section of the Zolani community felt frustrated and upset at not being able to curb the excessive zeal of the vigilantes which they felt was connived at by the police".

Evidence has been that both Mr Calata and Mr Matroos were vigilantes.

Mr Justice Williamson said he was unable to make a finding on this issue, which had not been fully canvassed in evidence. "Nevertheless, I am left with the uneasy impression that there may have been a reluctance on the part of the authorities to receive and act on complaints against the vigilantes," he said.

A "spiral of violence" ensued and the accused had acted "in revenge and retaliation for the grievances" they felt they had against the vigilantes.

Although neither this nor anything else could justify their display of organized violence, the judge said, he had considered the appeal from counsel for the four, Mr J R Whitehead, that he should pass a sentence that would effect reconciliation in the community rather than aggravate or prolong current resentments.

"Perhaps I am being too lenient," Mr Justice Williamson said, "but I have decided to give you the opportunity to pay for your misdeeds in a way that does not involve the destructiveness of prison."

Mr G Titterton was an assessor. Mr C Cilliers appeared for the State.

Reports by Sapa-Reuter, AP and UPI

Association (ACW96381)
Tel: 208 4370
son Recruitment JWT 1261 CA

Crowd on rampage in Plumstead

Staff Reporter

AT LEAST one bus, a train and a number of private vehicles were damaged at the weekend when crowds leaving the Shell "Road to Fame" concert at the 3 Arts Theatre went on the rampage in Plumstead, according to police reports.

A police spokesman said about 1 000 youths stormed a bus outside the theatre on Friday night, believing it was the only vehicle available to take them home.

They kicked out one of the bus windows, then broke into small groups which attacked private vehicles, slashing tyres and breaking windows.

No buses arrived at the theatre on Saturday night, and the audience apparently stoned the 8.30 train at the nearby Steurhof station, breaking a number of windows.

Two later trains did not stop at the station because the drivers feared for their passengers' safety, according to a railways spokesman.

The crowd was later dispersed by police.

The city councillor for the area, Mr Eric Merrington, said he visited the station on Saturday evening after complaints from residents whose cars had been damaged the previous night.

He knew nothing of a train being stoned, but said the crowd was restless because trains were failing to stop.

"They were frustrated, but also happy and laughing after the concert.

"The police presence was very low-key and the crowd later dispersed peacefully."

He did not know where the crowd had gone, but presumed they had found other ways of getting home or had walked to neighbouring stations

CAPE TIMES 8/4/87

'Untrue statements' — editor charged

Court Reporter

THE editor of an Oudtshoorn community newspaper who allegedly published untrue statements appeared in Wynberg Regional Court yesterday charged with contravening the Police Act.

Mr Humphrey Joseph, 30, of New Extension, Bridgeton, Oudtshoorn, who is the editor of Saamstaan, pleaded not guilty.

The State alleges that he published untrue statements concerning an incident in which two 11-year-old boys were shot dead by police in Bongolethu

Co-accused Mr Norman Mzukizi Mooi, 20, of Fourth Avenue, Bongolethu, Oudtshoorn, was discharged at the end of the State's case.

He said he saw two children approach a house empty-handed. They were shot by the police. He saw a policeman come out of the house with a container of petrol. Later he saw it next to the body of one child. He then told Mr Joseph what he had seen.

Constable Barend Cilliers said two boys approached the front door. One sprinkled petrol on the carpet while the other intended striking a match. As he was about to do so, the police shot him. The other boy was shot as he was running away.

The police deny that they placed a container of petrol next to one of the bodies.

The hearing was adjourned to May 4 in Mitchells Plain Regional Court for verdict

Mr J D Beyers was the magistrate Mr I Yuill prosecuted Mr D Potgieter, instructed by E Moosa and Associates, appeared for Mr Joseph

Boltt
FURNITURE

Tandoori

The legal fraternity has welcomed a city judge's decision to use community service as an alternative to imprisonment for public violence, writes Supreme Court Reporter, SUE LUPTON.

ARGUS 9/4/87

Sentence aimed at reconciling community

A Cape Town judge's use of community service as an alternative to imprisonment for public violence has caused a stir in legal circles.

In the Supreme Court last week Mr Justice Williamson imposed suspended jail terms on four Zolani men convicted of damaging a house and two cars, the property of vigilantes, or Amasolomzi.

The judge also ordered them to pay R8 500 compensation and to do two years community service from 8am to 4pm every Saturday.

The service is to include removing litter in the township and is to be carried out in terms of a report by a Nicro social worker, who recommended that the four grass a soccer pitch in Zolani

Since unrest swept the Western Cape in 1985, hundreds of people, including many juveniles, have been jailed for public violence, usually for stone-throwing or petrol-bombing.

Sentences of 12 and 18 months were common for first offenders as young as 17.

Few appeals against sentences imposed by magistrates have succeeded and public violence offenders are apparently not considered for parole, which can reduce a jail term by half.

A team sent to South Africa in February by the International Commission of Jurists said in its preliminary report: "Many of the sentences imposed recently in public violence cases are unreasonable to the point of barbarity."

Against this background, last week's community service sentences were welcomed by advocates and attorneys involved in similar trials.

These were the comments of lawyers who did not wish to be named:

- "This is a brilliant sentence, the first consistent with the principles of sentencing, which require that the crime, the criminal and community interests are taken into account."
- "Imprisonment brings young first offenders into contact with hardened criminals, therefore the use of alternative sentences is welcomed."
- "This has caused a great deal of excitement because it is a deviation from the trend of heavy jail sentences.
- "We hope judicial officials take note of these sentences, which are a precedent and in sharp contrast to cases where juveniles are jailed.

Professor Dennis Davis, associate professor of law at the University of Cape Town said: "Community service is a useful alternative to imprisonment if used correctly in projects to benefit the community.

"It is clearly a form of sentence that works in other parts of the world.

"Public violence charges have been used mainly to show political activity as criminal and many sentences were shocking."

However, a spokesman for the Democratic Lawyers' Organisation which represents all black lawyers and some white lawyers in the Western Cape warned that the sentences had to be seen in perspective.

"They remain harsh. Perhaps a lesser evil than the barbaric jail sentences for public violence, but must that be our standard?

"The case must be viewed in context — the Amasolomzi, who committed unlawful acts in a planned and organised way, were never charged or brought to court. Why not?

"Victims of the Amasolomzi were hauled before courts and found guilty, but not the Amasolomzi who, though acting unlawfully, appear to have enjoyed the protection of the police," said the spokesman.

During the eight-month trial, a picture emerged of Zolani, a community torn by the violence of vigilantes, or "Amasolomzi", who were allegedly assisted by police.

Passing sentence, the judge said he was impressed by the evidence of community worker Mr Dawie Bosch, who said a large section of the community was frustrated at not being able to curb the excessive zeal of the vigilantes.

The judge was left with the "uneasy impression" that the authorities may have been "reluctant" to act on complaints against the vigilantes.

A spiral of violence ensued and the four acted in revenge and retaliation for their grievances against the vigilantes.

The sentence, which did not involve the "destructiveness of prison", was aimed at effecting reconciliation in the community, the judge said.

TV man's tapes 'edited', inquest told

Cape Times 10/4/87

By HILARY VENABLES

A VIDEO filmed by ITN newsman Mr George De'Ath moments before he was fatally assaulted during fighting at the KTC squatter camp last June, was edited before police handed it back to the network, according to affidavits submitted to the Cape Town inquest court.

The affidavits were quoted yesterday during an application by Mr De'Ath's family for the court to hear oral evidence on the circumstances surrounding his death.

The magistrate, Mr W J Marais, turned down the application, saying he would make a finding based on written evidence only

Mr Jeremy Gauntlett, for the family, argued that the affidavits contained disputes of fact and that it could not be decided from the papers "who is a reliable witness and who is lying".

To page 3

Cape Times 10/4/87

From page 1

The evidence was contentious and required a full and open public inquiry, he said.

He cited the video tapes as an example.

Mr De'Ath's soundman, Mr Andile Fosi, who was also injured in the attack, suggested in his affidavit that one of the tapes taken by the police after the assault had been partly obliterated.

Mr Gauntlett said that if Mr De'Ath had continued filming to the very end, it would be possible to see who was closest to him when he was attacked.

"This may establish the circumstances under which the deceased died and who was responsible for his death," Mr Gauntlett said.

But the entire tape consisted of a freeze-frame — an effect which could only have been obtained by an editing machine, according to Mr Fosi.

A film editor employed by ITN, Mr Ian Robbie, said in his affidavit that he did not see how Mr De'Ath could have achieved this effect with his camera.

"If anything calls for an inquiry, this calls for an inquiry," Mr Gauntlett said.

Mr Gauntlett said he had collected 17 affidavits from a variety of people, including doctors, ministers of religion, journalists and members of the public.

These people had formed "the overwhelming impression that the witdoek vigilantes were operating in complicity with the police".

Witnesses had noted the identification numbers of Casspirs present during the clashes, and had quoted ranks and names of security force members in their sworn statements, Mr Gauntlett said.

There were also allegations that police and witdoeke had fired on comrades and journalists and that there was some delay before Mr De'Ath received medical treatment.

The contradictions between these statements and the official version of events could not be resolved "without verbal evidence and the opportunity this affords for the cross-examination of witnesses".

For the State, Mr S Shrock argued that the inquest was not a judicial inquiry into the Crossroads unrest.

After the magistrate turned down the application, Mr Gauntlett gave notice that he would apply for a Supreme Court review to set aside the ruling.

Mr Gauntlett was instructed by Mr Gordon Rushton of Findlay and Tait. Mr W J Marais presided.

Eight acquitted on people's court charge

By YVETTE VAN BREDA
Court Reporter

EIGHT men who have been in detention for almost nine months were yesterday acquitted in Mitchells Plain Regional Court of conducting a "people's court", assault and kidnapping.

They are Mr Andile Sweni, 18, Mr Vuyisile Grotelo, 19, Mr Ntu Yakwe Daweti, 42, Mr Loyiso Ngqolo, 21, Mr Lutouba Zithouphite, 47, Mr Nuloseleli Mpunzi, 38, Mr Kutwana Mpayitheli, 32, and Mr Nceba Chagwe, 29, all of Guguletu.

They have been in detention since July last year and Mr Sweni and Mr Grotelo were granted bail two weeks ago.

They were acquitted of sedition in that they conducted a "people's court", assaulting Stanley Davids by hitting him with a quirt, and kidnapping in that they held him captive at the Zolani Centre in June last year.

A second charge of kidnapping Mr Boyce Mthwa, and holding him captive at the KTC squatter camp and then at the Zolani Centre, was withdrawn.

Davids, who is at present serving a jail term for motor vehicle theft, said he had been drinking at a shebeen with friends and an argument over drink had broken out between him and a friend, "Noas".

He had stabbed "Noas" in the shoulder with a knife "Noas" had threatend to "take me to the Maqabanas — they have a court where they hear cases", he said.

"The next morning they came to my house and asked about the shebeen incident. They took me away, they wanted to hit me but some people prevented them. I went with them because I was scared "

They had taken him to a room in the Zolani Centre where there was a "magistrate" sitting at a table. "None of these men (the eight before the court) were there. I know all the people who were there.

"The police gave me a photo album and told me to identify the accused but I did not see photos of these people."

The prosecutor, Mr S C O'Brien, read out a signed statement which Davids had made to the police and had agreed was correct In the statement he had positively identified six of the eight men from photographs.

Cross-examined by Mr G Woodland for the eight, he said· "I never saw the men in my life." He had been sentenced to 200 lashes in the "people's court", but was lashed 150 times and had paid a R50 fine, he said

Mr O'Brien discredited Davids as a witness as his statements conflicted and closed the State's case. Mr Woodland then asked for the eight to be discharged.

The magistrate, Mr P M A Louw, said Davids, a single witness for the State, had been unreliable and there was no evidence that could link the eight to the charges "They are entitled to the discharge requested by their advocate."

Mr Woodland was instructed by E Moosa and Associates

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Laaiplek operator to be disciplined

CAPE TIMES 13/4/87

Staff Reporter

A TELEPHONE operator is to face disciplinary action following a post office investigation into an alleged refusal to connect a call with the Paarl police during violence at Laaiplek more than three months ago.

The violence flared at the Oasis Café in the little fishing village and a young man, Jonathan Slabbert, 17, was shot and later died.

A Laaiplek resident, Mr Henry Smeda, subsequently said he tried to telephone the Paarl police because local police had taken no action. The telephone operator had refused to connect him and had sworn at him, Mr Smeda claimed.

Mr Alf Widman, Progressive Federal Party spokesman on communications, was recently told in a letter from the Minister of Home Affairs, Mr Stoffel Botha, that disciplinary action would be taken against the operator following a post office investigation.

This followed questions tabled during the last parliamentary session.

The probe found that Mr Smeda did not ask for the police but for the standard emergency number 1-0111, which could not be reached through a manual country exchange.

However, the operator should have known that the caller wanted the police number, it was established.

CAPE TOWN

'People's court' charges withdrawn

CAPE TIMES 15/4/87 Court Reporter (275)

TWENTY people who have been in detention for almost nine months, had charges of assault and conducting a "people's court" withdrawn in Wynberg Regional Court yesterday.

The detainees, 17 men and three women, have been in detention since July last year.

The State alleged that they committed sedition in June last year by holding a "people's court" in Guguletu. It was further alleged that they assaulted Samuel Zontsi and Patrick Kali with intent to do grievous bodily harm by hitting them with sjamboks.

The 20 are: Ms Khuselwa Valta, Mr Mvuyisi Mhlanga, Ms Nomasomi Jacobs, Mr Phillip Mnitshane, Mr Layiso Ngqola, Mr Lizo Nqcula, Mr Bongile Siwahle, Mr Lindile Tokwe, Mr Nceba Chagwe, Mr Sumisame Zindo, Ms Ntombentle Dema, Mr Tutsula Zihuphile, Mr Headman Choldize, Mr Mchosomze Mpunye, Mr Zomsele Maweza, Mr Kutwana Mphuzaheli, Mr Muthazele Madikane, Mr Monde Fetile, Mr Zola Mbilokic and Mr Sizatele Thsamba.

Earlier a bail application on their behalf was adjourned as State witnesses had not arrived. Yesterday the prosecutor, Mr M L Sher, told the court that key witnesses could not be traced and the charges were withdrawn.

The magistrate, Mr A P Kotze, warned the 20 that if witnesses were found they could be rearrested.

Mr G Woodland, instructed by E Moosa and Associates, appeared for the 20.



PLEA FOR CONVICTED . . . Those of the "Wynberg Eight" who are not minors — (from left) Wayne Jordaan, 19, Dee Dicks, 18, Venecia de Klerk, 19, Naasir Masoet, 18, Showqie Enous, 18 and Julian Stubbs, 18 — outside St George's Cathedral yesterday.

Wynberg pupils: Renewed pleas

By SHAUNA WESTCOTT

PROMINENT religious leaders and two university principals have added their voices to pleas for a rethink on prison sentences imposed last year on eight Wynberg pupils convicted of public violence.

Archbishop Desmond Tutu, Archbishop Stephen Naidoo, Dr Allan Boesak, Muslim Judicial Council president Sheik Nazim Mohamed, UCT principal Dr Stuart Saunders and UWC rector Professor Jakes Gerwel are among 30 000 people who have asked the Chief Justice to grant the eight leave to appeal

The eight were at a press conference organized by the Wynberg Crisis and Relief Centre (WCRC) yesterday.

The conference was called to underline public concern and dismay at prison terms for public violence imposed on and facing hundreds of pupils embroiled in the unrest of 1985.

Attorney Mr Enver Daniels of the WCRC, noting that a panel of international jurists who recently visited South Africa had condemned the local judiciary for imposing sentences "bordering on the barbaric" in public violence cases involving juveniles, said it was essential that the case of the Wynberg eight went to the Appellate Division.

The eight were among 10 pupils from Wynberg and Athlone high schools — South Peninsula, Livingstone, Alexander Sinton and Wynberg — convicted of public violence by Wynberg Regional Court in May last year.

Wayne Jordaan, 19, was sentenced to five years' imprisonment, with two years suspended. Venecia de Klerk, 19, Showqie Enous, 18, Julian Stubbs, 18, Naasir Masoet, 18, Dee Dicks, 18, and a 17-year-old boy were sentenced to three years' imprisonment, also with two years suspended. All were at least a year younger at the time of the violence.

Sentencing of a 14-year-old girl was postponed for five years.

One of the 10 was acquitted on appeal to the Supreme Court and one fled the country soon after conviction.

They were arrested after stone-throwing near the Immaculata High School in Wynberg and at a mass rally at Wynberg Senior Secondary School.

The Supreme Court dismissed an appeal from the eight and leave to appeal to the Appellate Division was refused. They have now petitioned the Chief Justice to allow an appeal and are on bail pending the outcome.

If this fails, they will be jailed.

Community service

The archbishops, Professor Gerwel and Dr Boesak said in a statement: "We want to believe that our appeal to the judiciary will give us the confidence that we want to have in the courts of our country."

All the speakers at the conference emphasized that the eight came from respected families and had promising futures. All expressed concern at the effect of jail on the eight and at the antagonism aroused in the community by the harshness of the sentences.

It was noted that the Supreme Court had recently imposed a community service sentence on adults convicted of a more serious offence.

It was also noted that the public were deeply disturbed by the fact that a soldier convicted of rape could be sentenced to an R80 fine, while young people convicted of throwing stones were jailed for a year and more.

775

Public violence: Parents appeal to Chief Justice

Staff Reporter

THE parents of eight school pupils convicted of public violence during 1985 have petitioned the Chief Justice for leave to appeal against their children's sentences

The parents are supported by the Wynberg Crisis and Relief Centre.

An appeal in the Supreme Court, Cape Town, was dismissed and an application for leave to appeal to the Appellate Division was refused.

At a Press conference at St George's Cathedral Hall yesterday, the sentences were described as extremely harsh.

Statements of support came from Archbishop Desmond Tutu, Dr Allan Boesak, Archbishop Stephen Naidoo, Professor Jakes Gerwel, the Rev Lionel Louw, chairman of the Western Province Council of Churches and president of World Vision International,and Sheikh Nazim Mohamed, president of the Muslim Judicial Council

The pupils are Wayne Jordaan, 19, sentenced to five years' imprisonment (two suspended), Shaidie Enous, 18, Venecia de Klerk, 19, Dee Dicks, 18, Nazir Masoet, 18, Julian Stubbs, 18, and two below the age of 18, all sentenced to three years' imprisonment (two suspended).

Another youth charged with them, Shuaid Tofey, has left the country.

ARRESTED

They were arrested in 1985 during a stone-throwing incident after police broke up a rally at Wynberg Senior Secondary School.

Mr Enver Daniels of the Wynberg Crisis and Relief Centre said it was accepted that incarceration would blemish the characters of the youths "not to mention the psychological damage they would suffer as a result of the imprisonment".

"These harsh sentences could set a precedent for sentencing students facing similar charges and one dreads to think of all the serious repercussions it would have on the already volatile conditions prevailing throughout the country"

He said if the appeal was unsuccessful, the youths would be imprisoned as common criminals.

WILSON FELLER & ASSOC 943E

Utasa condemns pupils' jail terms

Staff Reporter

THE Union of Teachers' Associations of South Africa, Utasa, has condemned the spate of "harsh sentences" imposed on Peninsula school pupils.

Eight pupils, whose ages range from 14 to 19, have been convicted of public violence and other similar charges arising out of the student revolt in 1985.

They are Wayne Jordaan, 19, who was sentenced to five years, with two years suspended. Dee Dicks, 18, Venecia de Klerk, 19, Naasir Masoet, 18, Showqie Enous, 18, Julian Stubbs, 18, and a 17-year-old boy were all sentenced to three years, with two years suspended.

Sentence on a 14-year-old girl was suspended for five years. The pupils were at least a year younger at the time of being sentenced.

Deterrent effect?

At an emergency meeting of the 26 000-member Utasa held in the city yesterday, delegates from the various provinces resolved to "express deep dismay at the harsh sentences imposed by the courts on the eight pupils from high schools" and also on Gregory Arthur and Michael Carstens, Peninsula pupils who were both recently jailed.

Utasa said they believed that such convictions and "harsh sentences create the impression in the community in general and our union in particular that these young people might have been singled out as a deterrent to others and that the effect has in fact been the opposite".

The organization noted the anxiety of teachers that the "imprisonment of young people will do irreparable harm to these students at a very sensitive period of their development" and at the same time cause agony for parents and the community.

"In the light of the above Utasa further resolved to lend its full support to the parents in their appeal that the sentences be set aside," it said.

EMERGENCY UPDATE

3 grenade attacks in Peninsula: Boy hurt

By STEPHEN WROTTESLEY
Crime Reporter

A TWO-YEAR-OLD child was injured in one of three grenade attacks in the Peninsula today, the Bureau for Information said.

The blasts happened within an hour of one another.

The first explosion at a policeman's house in Elsie's River damaged his home and those of his neighbours.

Two-year-old Christopher Nissan was hit in the arm by shrapnel when their home in Mitchell's Plain was attacked.

The house was not badly damaged.

The last attack was on a home in Bonteheuwel. A grenade was thrown through a window into the living room causing a fair amount of damage.

The bureau spokesman could not say if the three attacks were linked.

No other details were available.

'Terrorist' fired first, policeman tells court

AR643 23/4/87

Court Reporter

RIOT squad policeman Warrant Officer Hendrick Barnard denied in the Cape Town Regional Court that he shot a suspected terrorist when the man was on his knees or lying on the ground.

He was giving evidence in the trial of Cape Times journalist Mr Tony Weaver, who has pleaded not guilty to a charge under the Police Act of making false statements about police action in Guguletu last March to the BBC. Seven men were shot dead in the incident.

The BBC report, parts of which were read in court by the prosecutor, Mr Selwyn Shrock, quoted witnesses who believed the police planted Russian-made weapons near the bodies of the seven men to create the impression they were terrorists.

Warrant Officer Barnard said on March 3 riot police acted on information there was to be an attack on police in Guguletu.

About 7.10 am a combi arrived and Warrant Officer Barnard, armed with a shotgun and pistol, said he heard an explosion.

Major Dolf Odendaal "screamed something about a hand-grenade" and Warrant Officer Barnard "stormed" through the bush after two men from a group near the combi. One was holding a pistol and the other carried what looked like a hand-grenade.

Chasing the man with the pistol, Warrant Officer Barnard said he wanted to "take the man in" and was not planning to shoot, but as he was gaining the man turned and fired three shots.

He believed his life was in danger so he fired two shots, one of which "blew the man's face off".

He saw that the pistol fired by the dead man was a Russian-made Tokarev.

Under cross-examination by defence counsel Mr J Gauntlett, Warrant Officer Barnard denied that he fired the shot while the man was on his knees or on the ground. He said he was about six or seven metres away from the man when he fired.

(Proceeding).

Mr J M Lemmer is on the Bench. Mr Gauntlett is instructed by Findlay and Tait.

Court hears of grenade attack

Court Reporter

A POLICEMAN yesterday told the Regional Court he had fired six shots in quick succession at an alleged ANC guerilla after the man hurled a hand-grenade at him.

Captain Johannes Kleyn was giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who is charged under Section 27 (b) of the Police Act.

Mr Weaver previously had three charges withdrawn against him. The charges arose from a report in the Cape Times following the deaths of seven alleged ANC guerillas who were killed by the police in Guguletu on March 3 last year.

The charge he now faces relates to an interview he had with the BBC concerning the deaths on March 4 last year. The State alleges that Mr Weaver unlawfully published untrue matter by saying the men had been shot in cold blood and that the police had then "planted" weapons on the deceased.

'Stopper group'

Earlier, the court heard that police had set up a counter-attack after receiving information that a police vehicle which passed a certain corner in Guguletu between 7am and 7.30am would be attacked.

Captain Kleyn said he had been a passenger in a car whose three occupants formed a "stopper group". After hearing that the police vehicle had reached the intersection, they had gone there and he had seen "four or five blacks walking slowly with their hands in their pockets".

One had flung a hand-grenade at him and he had fallen to the ground. The hand-grenade hit the car's door and exploded.

He fired six shots at the man who had thrown the hand-grenade "until I saw him fall". He said that about 10 minutes after all the shooting in the area had stopped, he had heard more shooting coming from nearby bushes.

The hearing was adjourned to May 13.

Mr J M Lemmer was the magistrate. Mr S Shrock prosecuted. Mr Gauntlett was instructed by Findlay and Tait.

4 hurt in grenade, petrol bomb attacks

Cape Times 24/4/87



CLOSE SHAVE . . . Christel Nissen, 5, pokes her finger through one of the shrapnel holes blasted through a bedside drawer by a handgrenade thrown into the room in which her two-year-old brother, Christopher, was sleeping yesterday. Christopher's right arm was injured in the blast. Picture. ALAN TAYLOR

Staff Reporters

FOUR people, including a toddler, were injured and a government delivery truck was destroyed in separate hand-grenade and petrol bomb attacks in the Peninsula yesterday

Two-year-old Christopher Nissen, son of a former police detective, received shrapnel wounds to an arm when a handgrenade was hurled into his parents' Mitchells Plain home about 1.15am His 10-month-old sister, Jenay, and mother, Byga, escaped injury when the grenade detonated under the double bed in which they were sleeping.

Doctors removed five pieces of metal from Christopher's arm before applying 15 stitches.

The second blast came minutes later at the Bonteheuwel home of an unidentified person, extensively damaging the lounge, according to the Bureau for Information

The third attack, at 2.10am in Ravensmead, damaged the homes of an unidentified policeman, his neighbour and a nearby car, the bureau added.

The front right tyre of the Nissens' family car was also found slashed

A police guard has been placed on the house.

Early yesterday afternoon near Terminus Road, Nyanga, a truck full of school books and equipment was petrol-bombed and three of the truck's occupants were hurt. The truck was gutted and part of the contents destroyed.



The gutted Department of Education and Training vehicle is hitched up in Nyanga yesterday. Two petrol bombs came through the windscreen into the cab, injuring three men inside. Picture OBED ZILWA

Mrs Nosipho Sibaca, sister of the most seriously injured victim, local boxer, Mr Monde Sibaca, said her brother, who is a career guidance adviser, received 25% burns.

Mr Nelson Mdladlane, caretaker of the Siviwe Primary School, suffered 5% burns Both were admitted to Woodstock Hospital. The third victim, the caretaker of the Andile Primary School, a Mr Majakavane, was discharged from Groote Schuur Hospital after treatment.

Mrs Sibaca said a group of men had walked past the truck, turned around without a word and hurled two petrol bombs. Her brother rolled on the ground to put out the flames on his burning clothes and ran to hail a passing car.

R15 000 for shot boy

Cape Times 24/4/87 p20

Supreme Court Reporter

"UNREASONABLE" police behaviour has been criticized in the Supreme Court which yesterday awarded damages of R15 000 to a Bellville South schoolboy who was 14 when he was shot by the commander of the Bellville unrest unit.

Mr Acting Justice H P Viljoen found that Captain Ockert van Schalkwyk used unreasonable force to arrest the child after dispersing a group throwing stones on September 5, 1985.

The judge accepted the evidence of witnesses that the boy fell in Kosmos Street although police claimed he was shot in Industrie Street. He said the fact that police were wrong about the location of the shooting called their powers of observation into question.

However, he said the police mistake could have been an honest one "because of the number of similar incidents which were occurring in the area at the time".

He said the evidence of the commander and a Constable Crous showed that they went to the scene "with the preconceived idea" of using an R1 rifle "to bring down people" who fled when they saw police.

He criticized police for acting so drastically before making any attempt to chase the youths, shout a warning or to aim a shot at their legs.

Mr M Donen, instructed by E Moosa and Associates, appeared for the child. Mr W J Louw, instructed by the State Attorney, appeared for the minister.

AUCTION SALE SEA POINT AUCTION SALE

'Shots in bushes after police action against terrorists'

Court Reporter

ABOUT 15 minutes after police action against suspected terrorists in Guguletu ended, shots were heard in nearby bushes, a riot squad policeman told the Cape Town Regional Court.

Sergeant Wilhelm Bellingan was giving evidence yesterday in the trial of Cape Times journalist Mr Tony Weaver, who has pleaded not guilty to making false statements to the BBC about police action in which seven men died.

The incident happened at the intersection of NY1 and NY111, Guguletu, on March 3 last year.

The BBC report the following day — parts of which were read out in court — quoted witnesses who claimed Russian-made weapons had been planted on the bodies to create the impression they were terrorists.

Mr Weaver told the BBC interviewer there was no proof to back this claim.

Sergeant Bellingan, part of a "stopper group" on the outskirts of the scene, said as he climbed out of a car he heard an explosion.

A shot was fired at the vehicle and he was hit in the face by shrapnel. He saw a man carrying an AK-47 rifle.

WOULD HAVE NOTICED

At that moment Sergeant Andre Grobbelaar shouted: "Watch out, hand-grenade!"

Sergeant Bellingan said he fired at the gunman with his 9 mm pistol as he feared for his life.

The man fell to the ground and Sergeant Bellingan assumed he was dead.

Cross-examined by Mr J Gauntlett, for Mr Weaver, Sergeant Bellingan said about 15 minutes after all the shooting at the intersection ended he heard shots being fired in some bushes across a field.

He said he would have noticed if anyone had planted weapons next to the bodies.

Captain Leonard Knipe of the Peninsula Murder and Robbery Squad told the court he had been summoned to the scene of the shooting.

He arrived about 7.45am to search the bodies.

He did not take particular note of the dead men's weapons.

The hearing was postponed to May 13.

Mr J M Lemmer was on the Bench.

'Mosque violation led to death'

By SHAUNA WESTCOTT
Supreme Court Reporter

OUTRAGE at the violation of a mosque by policemen who entered it without removing their boots led five young Muslims into an armed quest for weapons that ended in the death of a security guard, the Supreme Court heard yesterday.

This evidence was given in writing by 29-year-old Mr Nazir Bhawoodien, his 23-year-old brother Said and the two Abrahams brothers — 22-year-old Moegamat and 27-year-old Nazeem, who yesterday changed their pleas on charges of murder, attempted murder and robbery from not guilty to guilty.

A fifth accused, Mr Rushdien Abrahams, 29, escaped from the van transporting prisoners to court on April 3.

Mr Nazir Bhawoodien said that as a devout Muslim he had been "terribly upset" at "a most gross violation of the House of God" when he heard about the police action at the Park Road mosque on November 29, 1985.

He spoke to "a very prominent Muslim figure", Mr Hanief Sayed, who "convinced me it was my duty as a Muslim to .. ensure that no further violations would occur".

Mr Sayed suggested arms should be obtained to defend mosques and planted the idea of robbing two armed guards at the Lincoln Tavern in Belgravia Road of their weapons.

Mr Bhawoodien enlisted his brother and the other accused for this mission on the same night.

Mr Bhawoodien said the desecration of the mosque shocked him into irrational behaviour the consequences of which he deeply regretted. He said it was against his beliefs as a Muslim to cause harm to innocent people.

The trial continues on Tuesday.

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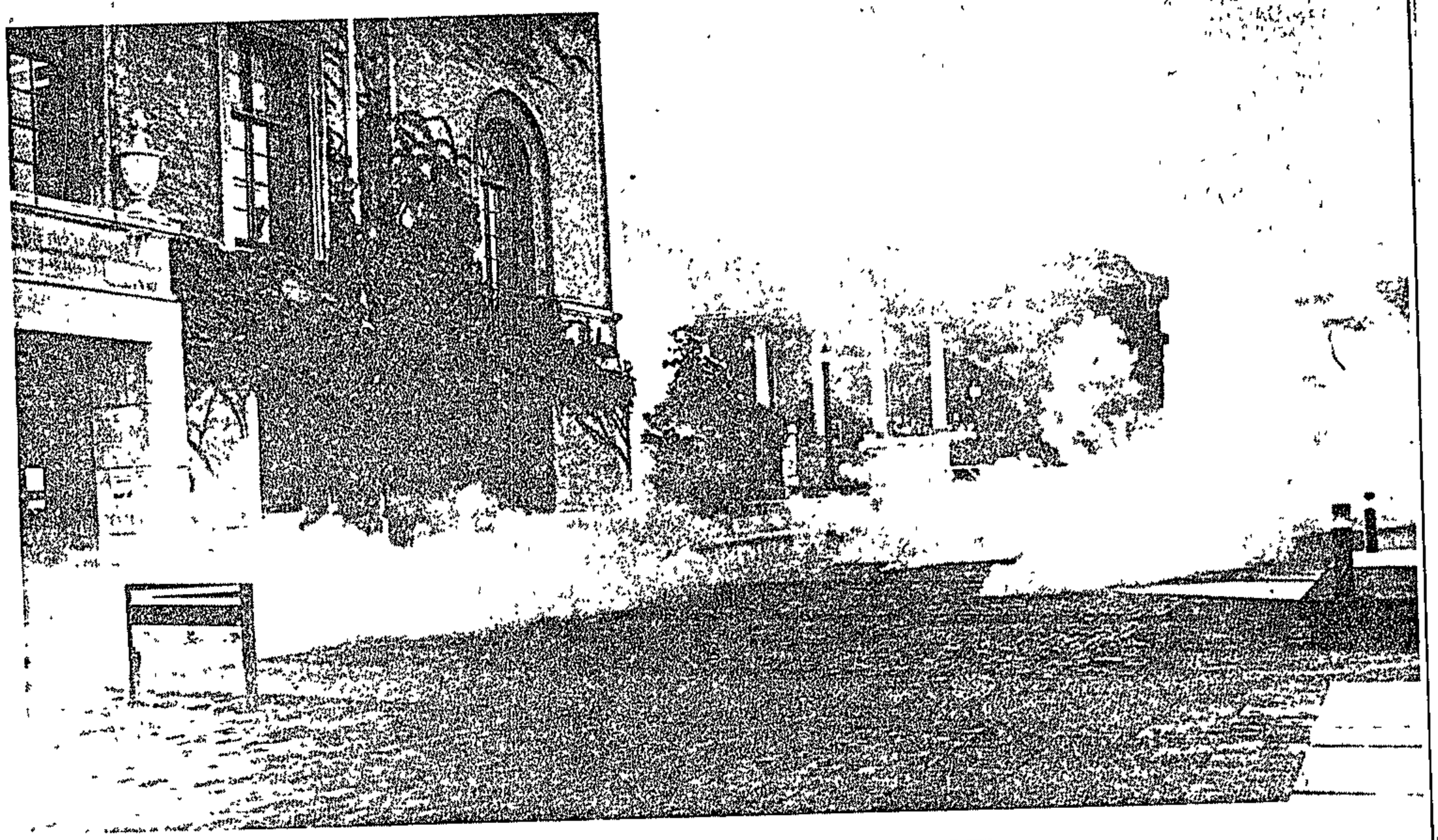
Clashes on campus



Yesterday afternoon at UCT . . .

Cape Times 25/4/87

Bid to arrest Sarwhu man on Matie campus

Cape Times 25/4/87

Staff Reporter

LARGE parts of the University of Cape Town campus were at times uninhabitable yesterday afternoon and some lectures were disrupted as a result of actions by certain people which may not be reported in terms of state-of-emergency press censorship

South African Breweries suffered a R120 000 loss when the cab of one of their vehicles was burnt out on the upper campus in the wake of a students' protest march over the deaths of six railway workers and the dismissal of 16 000 others.

The government censorship agency, the Interdepartmental Press Liaison Centre, last night refused the Cape Times permission to publish the full facts concerning the day's events at UCT. They also refused the newspaper permission to publish three photographs taken during the afternoon, including one of the burnt-out vehicle.

A four-hour confrontation between the people who may not be identified and about 150 to 200 students followed a lunchtime meeting attended by about 700 students called to protest the deaths and firing of SA Railways and Harbours Workers' Union (SARHWU) strikers on Wednesday

As a result of the presence of several vehicles which may not be identified on De Waal Drive, a severe traffic jam several kilometers long developed on the highway and on Eastern Boulevard at rush hour

The lunchtime meeting was addressed by SRC president Ms Carla Sutherland and a member of SARHWU from the Transvaal, identified only as "Comrade Jeffrey".

Ms Sutherland read out a statement by the black staff of UCT in which the action against SA Transport Services (SATS) workers on Wednesday and Thursday was condemned "in the strongest possible terms"

"We affirm the right of all workers to take part in labour action. We view the slaying of six comrades, the arrest of many more and the arbitrary dismissal of 16 000 workers as an attack on all workers"

The SATS workers and others "are dying because they have the courage to stand up and fight for their rights against a brutal regime which has nothing to offer the people of this country other than violence and repression"

To page 2

Staff Reporter

STELLENBOSCH. — A man claiming to be a security policeman yesterday tried to arrest a SA Railways and Harbours Workers Union (Sarwhu) shop steward at an open-air meeting at the University of Stellenbosch, but was thwarted by students.

The shop steward, Mr Morris Mdou, was approached by the man — later identified as a Mr Deon Goosen — after addressing about 200 students about the South African Transport Services (SATS) strike and the sacking of 16 000 workers this week.

The meeting was called by Nusas and the Black Students Organization of Stellenbosch as part of the Nusas one-person-one-vote campaign.

Mr Mdou was asked by the man to accompany him, but about 10 students surrounded the man and demanded to see Mr Goosen's police ID card, witnesses said.

Mr Goosen told the students that it was "none of your business".

A scuffle broke out in which Mr Goosen landed on the ground and students led Mr Mdou away.

Mr Goosen then showed the group of students a police ID card and followed Mr Mdou.

A second scuffle between the students and Mr Goosen, who was assisted by the Afrikaner Weerstandsbeweging student branch chairman, Mr Dawid Walters, broke out in the art faculty building.

This gave Mr Mdou a chance to leave the campus in a car.

From page 1

"Comrade Jeffrey" said he had come to the Western Cape to explain to SARHWU workers here what was happening in the Transvaal.

"What has happened may be shocking to you, but we are used to being shot at and killed by these people — the whites who work with us always carry their guns with them. They have shot at us and called us kaffirs in the past.

"Where we live is like a stable and the food we eat like animals' food That's why we formed this union against these racist forces We met on March 8 and decided we did not want to hear or see the evils of the bosses any more. We decided that if any workers were dismissed illegally or acted against in any way we would down tools.

"On March 12 they dismissed our brother so we downed tools," he said.

"No workers are more exploited in SA than railway workers. We will go back to our work places no matter the consequences; we will fight the struggle until the end"

After songs were sung, the students moved down to the verge of De Waal Drive where chanting continued. Several motorists shouted support and some blew their hooters. Projectiles were hurled at the vehicles which may not be identified in terms of the emergency regulations. No one was injured and no damage was done.

Later, sections of the campus became uninhabitable due to the spread of a chemical substance and the students retreated to Ring Road on the campus.

After a 45-minute stand-off, the people who may not be identified moved up to the main campus and a call was made by these people for the students to disperse and return to their normal activities.

With students fleeing in all directions, the people who may not be identified took certain action and some projectiles shattered windows in the Robert Leslie Building.

About 4pm, the skirmishers moved back to the Sports Centre where another stand-off ensued and later the last of the students dispersed after certain people left the campus.

Dr Stuart Saunders, vice chancellor of UCT, said last night he had been out of town and he had only known that a lunchtime meeting had been held.

"As I understand it, a group of 100 to 150 students went down to the brink of De Waal Drive I don't know if only students were involved, but I believe some stones were thrown. No one was arrested and no injuries were reported.

"I deplore the throwing of stones and any other violence," he said. However, he could not comment on certain actions which may not be reported; "as this is the first I have heard about that".

Commenting on the afternoon's events, Ms Sutherland said the meeting had been called "because students were really angry and because they wanted to focus attention on this week's events and to show solidarity with those affected"

She said the need for discipline had been emphasized during the meeting While certain events had subsequently taken place, these actions had not been planned, were not supported by her and were prompted by people who may not be identified in terms of the emergency regulations.

More news, pictures — Page 18

Not guilty plea on 'people's court'

Cape Times 28/4/87

Court Reporter

TWENTY-ONE men and three youths, who have been in detention for nine months, yesterday pleaded not guilty in Wynberg Regional Court to holding a "people's court" and assaulting two men.

They have been in detention since July last year. They all pleaded not guilty to sedition in that they conducted a "people's court", and assaulting Mr Patrick Kali and Mr Samuel Zantsi, by hitting them with sjamboks

One of the youths was convicted of possessing a 22-calibre firearm and six rounds of ammunition after he admitted he knew the gun was unlicensed and he was not supposed to have it in his possession.

The other twenty-three had these two charges withdrawn against them.

The men are: Mr Moses Faku, Mr Aubrey Matrose, Mr Lulame Matabeni, Mr Tlabo Mangeni, Mr Mongezi Mavata, Mr Vukile George, Mr Shadrack Somo, Mr Michael Mduzulwana, Mr Patrick Ncapayi, Mr Solomon Numi, Mr James Mngqibisi, Mr Zangisele Myekiso, Mr Patrick Eleke, Mr Getwa Pheni, Mr William Kompeni, Mr Vuysile Mephi, Mr Gerald Booi, Mr Peter Menye, Mr Bala Mfungusa, Mr Gilbert Bala, Mr Ngeba Godwana and three 17-year-olds.

Samuel Zantsi, who is serving a jail term, told the court he had trouble with "Billy" who said he was "mad". "This made me unpopular with the people

"Billy went to lay a charge against me at the people's court," he said. "He said I wanted to kill him."

About five people came to arrest him at his house in Guguletu in June last year They came in a car belonging to one of his female neighbours who was a "dagga smuggler" and took him to the Elikhanysveni Centre, he said.

He said Mr Faku was in the car. He was not well and Mr Faku hit him on the head with a firearm and the others kicked him.

At the centre he was taken to a room with some women and hit 65 times with a "pipe on my back and buttocks"

He said the people at the centre were "busy with trials but there was no magistrate and it was not exactly a court"

All he could remember was that he was beaten 65 times but he does not know who gave the order to have him beaten or why as he was "very sick"

The hearing continues today

Mr J D Huggett was the magistrate. Mr N C Erasmus prosecuted Mr J H de Lange, Mr J C Marais, instructed by Mr B M Olivier of E Moosa and Assoc, and Mr L Padayachi appeared for the 24

Bop students leave

PRETORIA. — Students at the University of Bophuthatswana have been given an ultimatum to leave the Mmabatho campus, after violent incidents took place. A university spokesman said yesterday that most students had started to leave yesterday morning after the weekend ultimatum was issued. She said university authorities ordered the students to leave after their "unruly" behaviour last week.

Reports by Staff Reporters, Own Correspondents and Sapa

Birdshot, sjamboks as 7 arrested

CAPE TIMES 28/4/87

Police open fire at UCT

Staff Reporter

IN A day of violent confrontations at the University of Cape Town, police fired birdshot and teargas and sjambokked students on the campus yesterday, the Bureau for Information confirmed last night. Seven people were arrested.

It is believed to be the first time police have opened fire with live ammunition on a white university campus in South Africa

A spokesman for the Bureau for Information said police had fired birdshot and used sjamboks on the students after police and private vehicles were stoned

He said police had decided to use birdshot when they feared tearsmoke being used to disperse the students would drift on to De Waal Drive below the campus

It was the second time in four days that students and police had confronted each other on the campus.

According to the Bureau for Information, seven people were arrested and three policemen were slightly injured The spokesman, quoting police, said he had no knowledge of any other injuries

Yesterday's incidents began at 2pm when about 500 students gathered above De Waal Drive after a mass lunchtime meeting called to protest against the SADF raid into Zambia and the presence on Friday of police on the campus

Students retreated to the campus Students said the UCT vice-chancellor, Dr Stuart Saunders, tried to negotiate with police but students demanded that the police leave. Dr Saunders then pleaded with the students to disperse and "stop throwing stones", they said

Refused to obey

He told them the consequences if they did not would be very severe

However, the students refused to obey him and a series of incidents took place At one stage students sought sanctuary in the Jagger Library

A Reuters photographer, Mr Guy Tillim, was also sjambokked while trying to escape the teargas

Students ran for shelter in the student union and Jameson Hall and an emergency meeting was held in Jameson Hall

Dr Saunders held a number of meetings with senior administrative staff and the SRC yesterday evening, and said he would be meeting student leaders again this morning.

'Abhor this violence'

He said last night that he was "shocked by the throwing of missiles by people on the campus and shocked by the use of birdshot by police".

"I abhor this violence and call on everybody to desist from this violence," he said "I regard this matter as extremely serious"

The UDF last night urged police to keep off university campuses, saying their presence "is an intense provocation that can only lay the basis of heightened tension and conflict"

□ Sections of this report have been deleted to comply with the emergency regulations

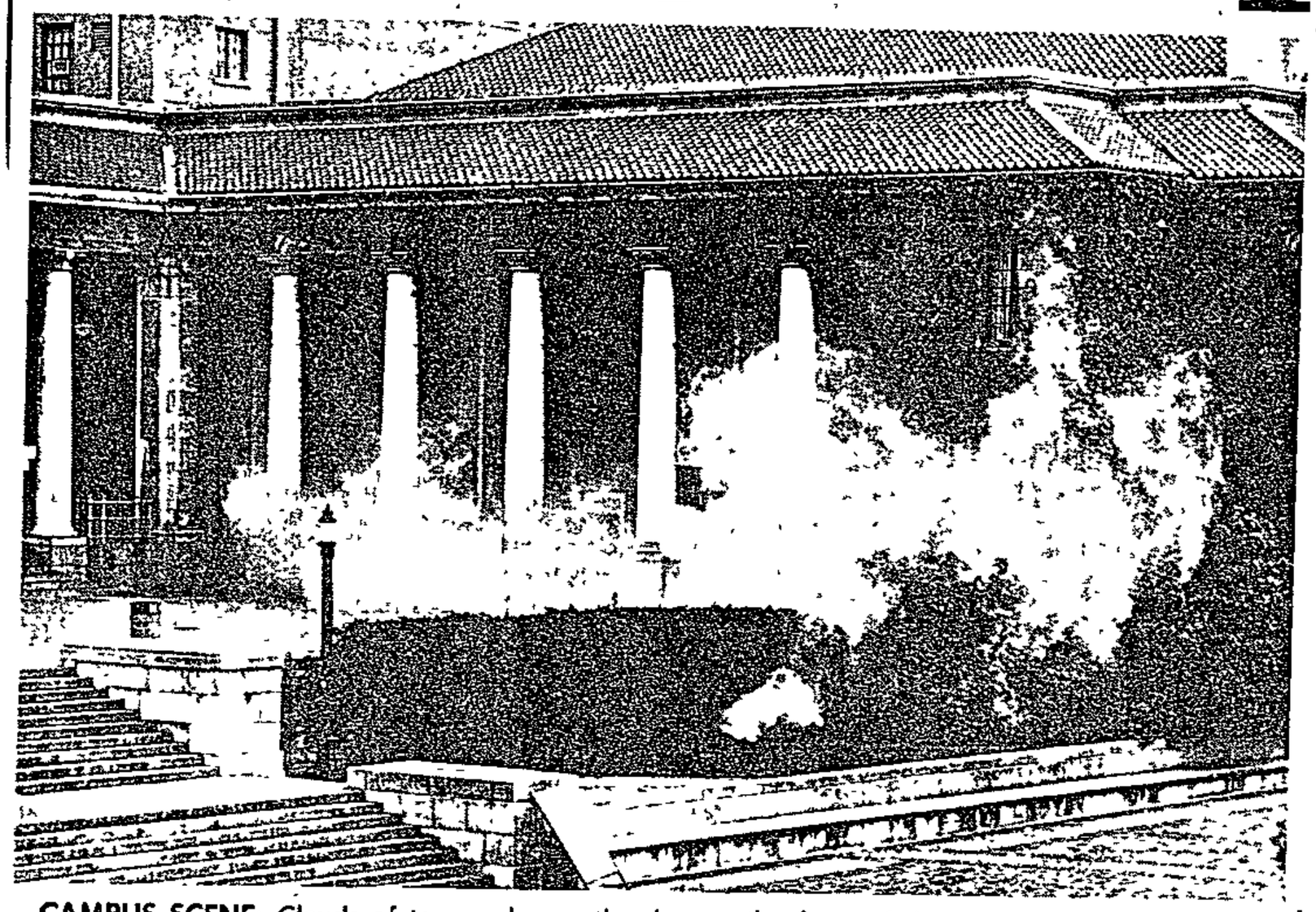


Two UCT students near the unrest scene on campus yesterday.



UCT vice-chancellor Dr Stuart Saunders near the scene of unrest yesterday

UCT principal calls for calm on campus



CAMPUS SCENE: Clouds of tearsmoke partly obscure the front of the students' union building.



Staff Reporter

DR STUART Saunders, principal and vice-chancellor of the University of Cape Town, has condemned violence on the campus and appealed for calm on all sides.

In an open message to the UCT community following disturbances on Friday and yesterday when students and police clashed on the campus, he said.

"The events of Friday, April 24, and of Monday, April 27, shocked us all.

"On Friday, April 24, a group of 150 to 200 students gathered on the edge of the De Waal Drive near the Indoor Sports Centre to protest against the dismissal of the striking SATS workers and the deaths of strikers in the Transvaal.

"Stones were thrown at passing cars before the police arrived on the scene. Police used teargas to disperse the students and they pursued the students well into the campus

"Meeting condemned raid"

"A South African breweries delivery vehicle's driving cabin was burnt near the tennis courts on Upper Ring Road

"On Monday, April 27, protesters again stood outside the sports centre after a mass meeting held to condemn the SADF actions in Zambia, the coming election and the action of the police on Friday

"Stones were thrown at cars on De Waal Drive and the police responded with teargas

"The police entered the campus, were repeatedly stoned and repeatedly used teargas

"This occured several times on the Plaza in front of the Jameson Hall. I called upon the students to disperse and told them that the police had agreed to my request to leave the campus.

"As the police were leaving stones and bottles were thrown at them. They retaliated with teargas and this was repeated several times.

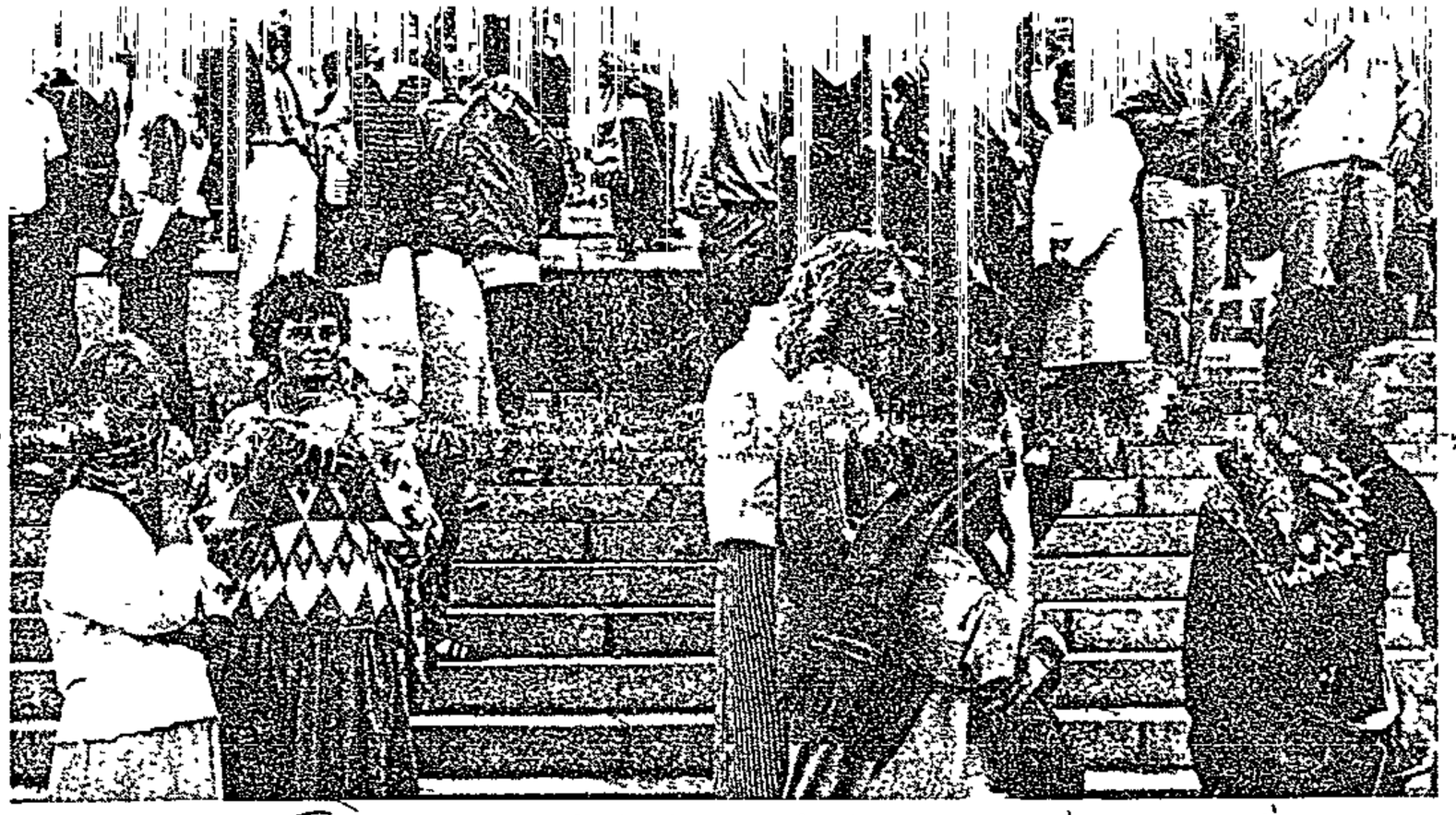
"The police entered the library and several other buildings and hit students with quirts and fired teargas into some buildings.



"Treated for birdshot wounds"

"Seven students were arrested and I understand are due to appear in court.

"Ten students were t[illegible]



WATCHING: Students on the Jameson steps.

mass meeting held to condemn the SADF actions in Zambia, the coming election and the action of the police on Friday.

"Stones were thrown at cars on De Waal Drive and the police responded with teargas

"The police entered the campus, were repeatedly stoned and repeatedly used teargas.

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"The police entered the library and several other buildings and hit students with quirts and fired teargas into some buildings.

"Treated for birdshot wounds"

"Seven students were arrested and I understand are due to appear in court.

"Ten students were treated for birdshot wounds and one for a dog bite at the students health centre

"I strongly deplore the use of firearms by the police and have condemned some of the other actions of the police to the Divisional Commissioner as well

"Let me make it quite clear that I understand the crisis in the land is being felt on this campus

"This university has always upheld the right of peaceful and appropriate protest. Violent protest and arson are intolerable.

"I condemn them and I know the vast majority of people on this campus condemn them also.

"Innocent people were put at great risk on the campus by these events.

"I must stress that further demonstrations of this nature carry a real risk to life and I urge all concerned not to repeat the events of Friday and Monday.

"If there are disturbances on campus do not mill around outside. Do not be a curious onlooker Go about your normal business as far as is possible and so contribute to a sense of calm.

"Deliberate interruption to prevent people from learning is not to be tolerated

"I urge this calm on all sides and for an end to the violent demonstrations.

"I am doing all in my power to keep the police off the campus. I appeal again for an end to the violence on all sides We must preserve our university.

"It has an important role to play in the years ahead and it must not be destroyed."



Dr Stuart Saunders

'People's court': 24 on sedition charge

Court Reporter

TWENTY-four emergency detainees, including three juveniles, who have been in prison since July, have appeared in the Wynberg Regional Court on charges of sedition, possession of a firearm and ammunition and assault after allegedly conducting a people's court.

All pleaded not guilty except a juvenile who pleaded guilty to possessing a firearm and ammuntion. He denied the other charges.

After questioning the 17-year-old youth, magistrate Mr J D Huggett convicted him of possessing a firearm and ammunition without a licence.

This charge against the others was withdrawn.

DEFY AUTHORITY

The 21 adults are: Mr Moses Faku, 24, Mr Aubrey Matrose, 21, Mr Lulame Matabeni, 21, Mr Tlabo Mangeni, 20, Mr Mongezi Mavata, 26, Mr Vukile George, 18, Mr Shadrack Somi, 18, Mr Michael Mduzulwana, 21, Mr Patrick Ncapayi, 24, Mr Solomon Numi, 20, Mr James Mngqibisi, 20, Mr Zangizele Myekiso, 23, Mr Patrick Eleki, 26, Mr Getwa Pheni, 19, Mr Bala Mfungusa, 27, Mr Gilbert Bala, 35, Mr Nceba Jodwana, 22, Mr William Kampeni, 20, Mr Vuyisile Mephi, 22, Mr Gerald Booi, 19, and Mr Peter Menye, 20.

The State alleged they committed sedition in June last year in Guguletu, attempting to defy the authority of the State by conducting a people's court.

They are also charged with assault with intent to do grievous harm to Mr Samuel Zantsi and Mr Patrick Kali by beating them with sjamboks and other weapons.

Mr Zantsi, who is in Pollsmoor prison, told the court a man called "Billy" claimed he (Zantsi) was possessed by devils.

65 LASHES

He said Mr Moses Faku and Mr Nceba Jodwana were in a group of people who dragged him from under a bed, hit the back of his head with a pistol and then drove him to the Elikhanysveni Centre in Guguletu where he was given 65 lashes with a flexible pipe. He was not sure if this was a sjambok.

He said there was no magistrate at the "hearing" and it was not like a proper court. There were people "standing around and talking" and there was "one person standing in front".

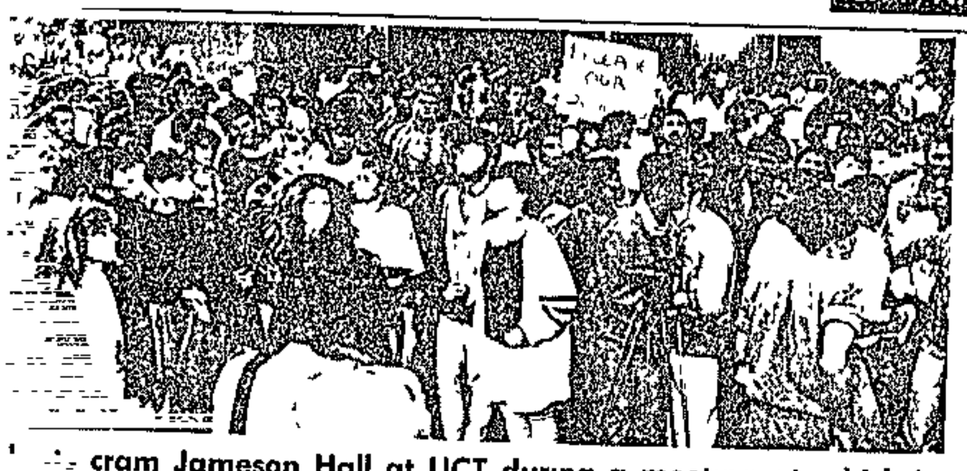
He said he did not know why he was given 65 lashes.

His back and head were injured in the beating but he did not seek treatment, he said.

The hearing continues today.

The accused are represented by Mr J H de Lange, Mr J C Marais, Mr L M Padayachi and Mr B M Olivier. Mr de Lange and Mr Marais are instructed by Mr Olivier.

ARGUS 29/4/87



...cram Jameson Hall at UCT during a meeting at which it ...s decided to boycott lectures until tomorrow.

18 arrested as police move on campus again

Staff Reporters

EIGHTEEN people were arrested at the University of Cape Town when police moved on to the campus for the third time in less than a week

At least three students were injured during a police swoop yesterday after an hour-long peaceful demonstration on the grass verge next to De Waal Drive

During the demonstration, De Waal Drive was closed to traffic in both directions The road was reopened shortly after the police action while police formed a barrier between the university and the road

About 2 000 students started marching at 2 30pm from Jameson Hall, where earlier they had held a mass meeting

Freedom songs

About 1 000 students settled on the grass at the Sports Centre, waving placards and singing freedom songs

No police were in sight at that stage, except for a police helicopter which monitored the march

De Waal Drive was sealed off as student leaders, using loudhailers, warned that the demonstration should remain peaceful

Traffic backed up for hundreds of metres before being diverted into Woolsack Road by traffic police

Five minutes later a police van pulled up opposite the demonstrators

The police were approached by Mr Jan van Eck, MP for Claremont, and UCT principal Dr Stuart Saunders The van then parked on the grass verge

Dr Saunders came back to the demonstrators and spoke to the president of the Students' Representative Council, Miss Carla Sutherland

She told the crowd Dr Saunders had received a warning from the police

"He told me they had informed him that if we moved on to De Waal Drive they would stop us," Miss Sutherland said today

"And this time they were armed not with teargas but with rifles"

The students decided to stay where they were until peak-hour traffic started flowing

At 3 25pm police reinforcements arrived Dr Saunders spoke to them

Just before 4pm police took up positions next to the students Dr Saunders told Miss Sutherland they wanted the demonstrators to disperse

Charged from behind

Miss Sutherland tried to relay the message to the students but could not be heard because of their chanting and the noise of the police helicopter hovering nearby

Dr Saunders gestured to the pilot to move away, but before it did so police — who had driven up behind the students — charged

Most of the demonstrators were caught by surprise and scattered

Several arrests were made, especially of students carrying placards

A second group of policemen, which had moved behind the sports centre, made arrests as the students fled

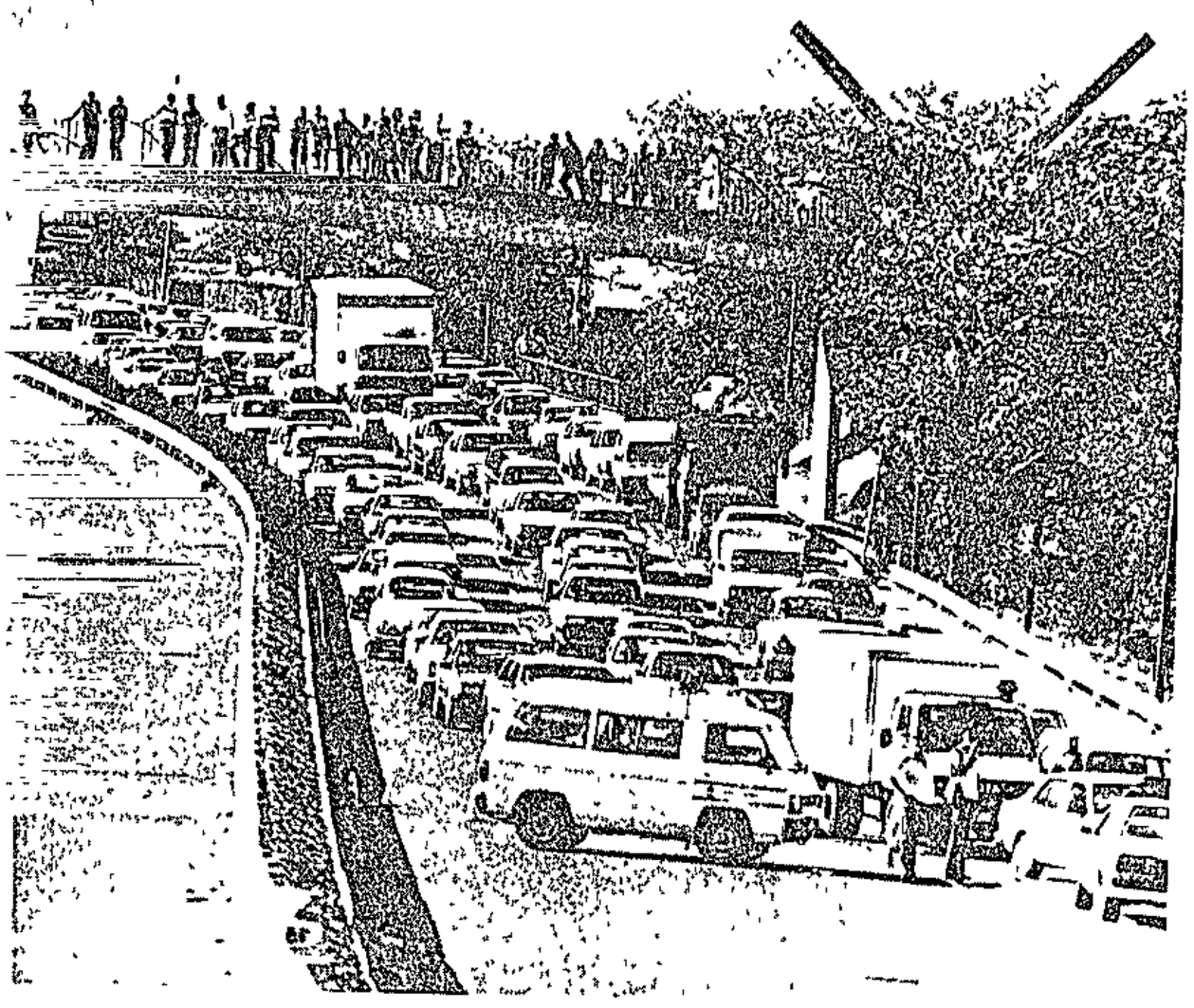
Those arrested were taken away in police vans Reporters saw at least two students with bloodied noses and mouths

Later a student with a gash on his forehead told reporters he had been hit by a sjambok as he was running away

Police formed a line along De Waal Drive, which was then reopened to traffic

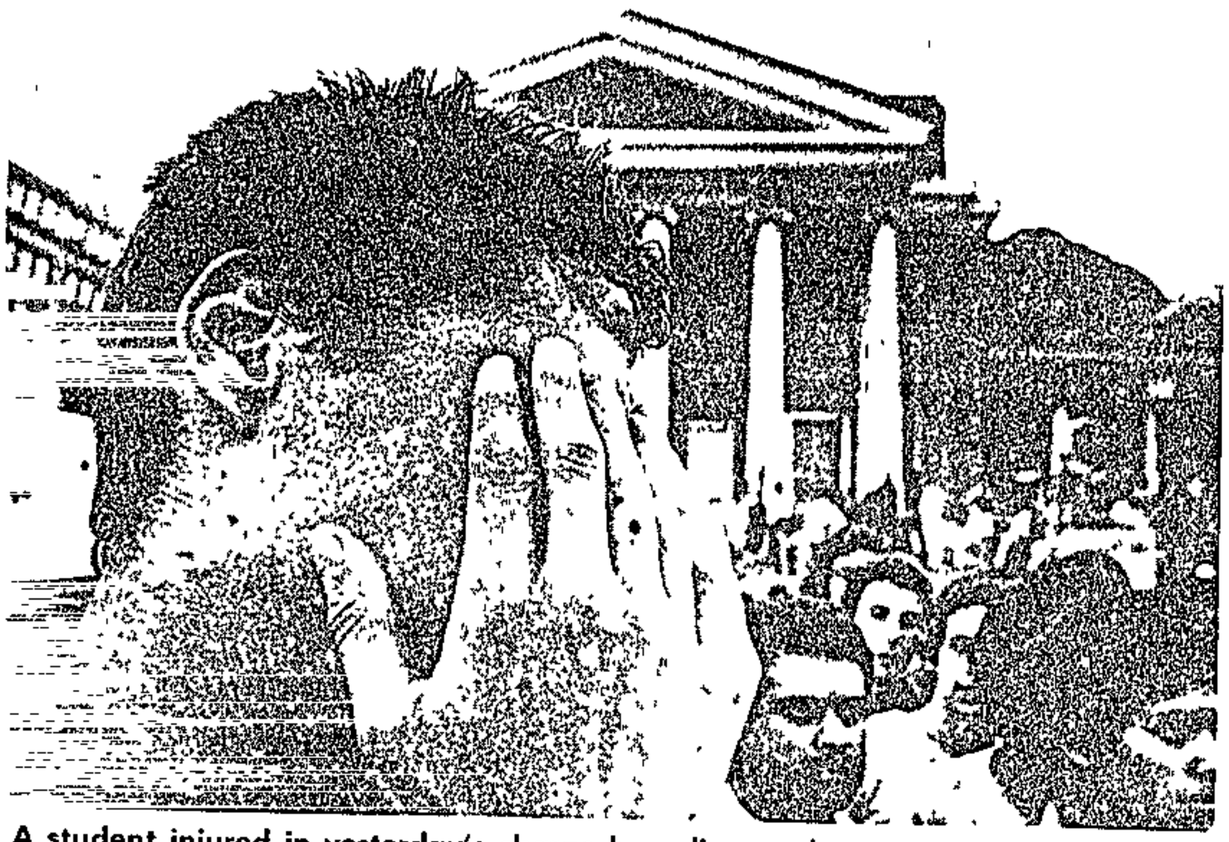
By 4 30pm traffic was flowing smoothly along De Waal Drive

Police said today 15 men and three women had been arrested on charges of participating in an illegal gathering



Pictures: DION TROMP, The Argus

Cars bank up for hundreds of metres after traffic police closed De Waal Drive before yesterday's demonstration by UCT students.



A student injured in yesterday's charge by police on demonstrators on the grass verge next to De Waal Drive.



Dr Stuart Saunders, principal of UCT, gestures to a police helicopter to move away before yesterday's police charge.

Argus 29/4/87



Thousands of students cram Jameson Hall at UCT during a meeting at which it was decided to boycott lectures until tomorrow.

18 arreste police mov campus ag

Staff Reporters

EIGHTEEN people were arrested at the University of Cape Town when police moved on to the campus for the third time in less than a week

At least three students were injured during a police swoop yesterday after an hour long peaceful demonstration on the grass verge next to De Waal Drive

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Freedom songs

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De Waal Drive was sealed off as student leaders, using loudhailers, warned that the demonstration should remain peaceful

Traffic backed up for hundreds of metres before being diverted into Woolsack Road by traffic police

Five minutes later a police van pulled up opposite the demonstrators

The police were approached by Mr Jan van Eck, MP for Claremont, and UCT principal Dr Stuart Saunders The van then parked on the grass verge

Dr Saunders came back to the demonstrators and spoke to the president of the Students' Representative Council, Miss Carla Sutherland

She told the crowd Dr Saunders had received a warning from the police

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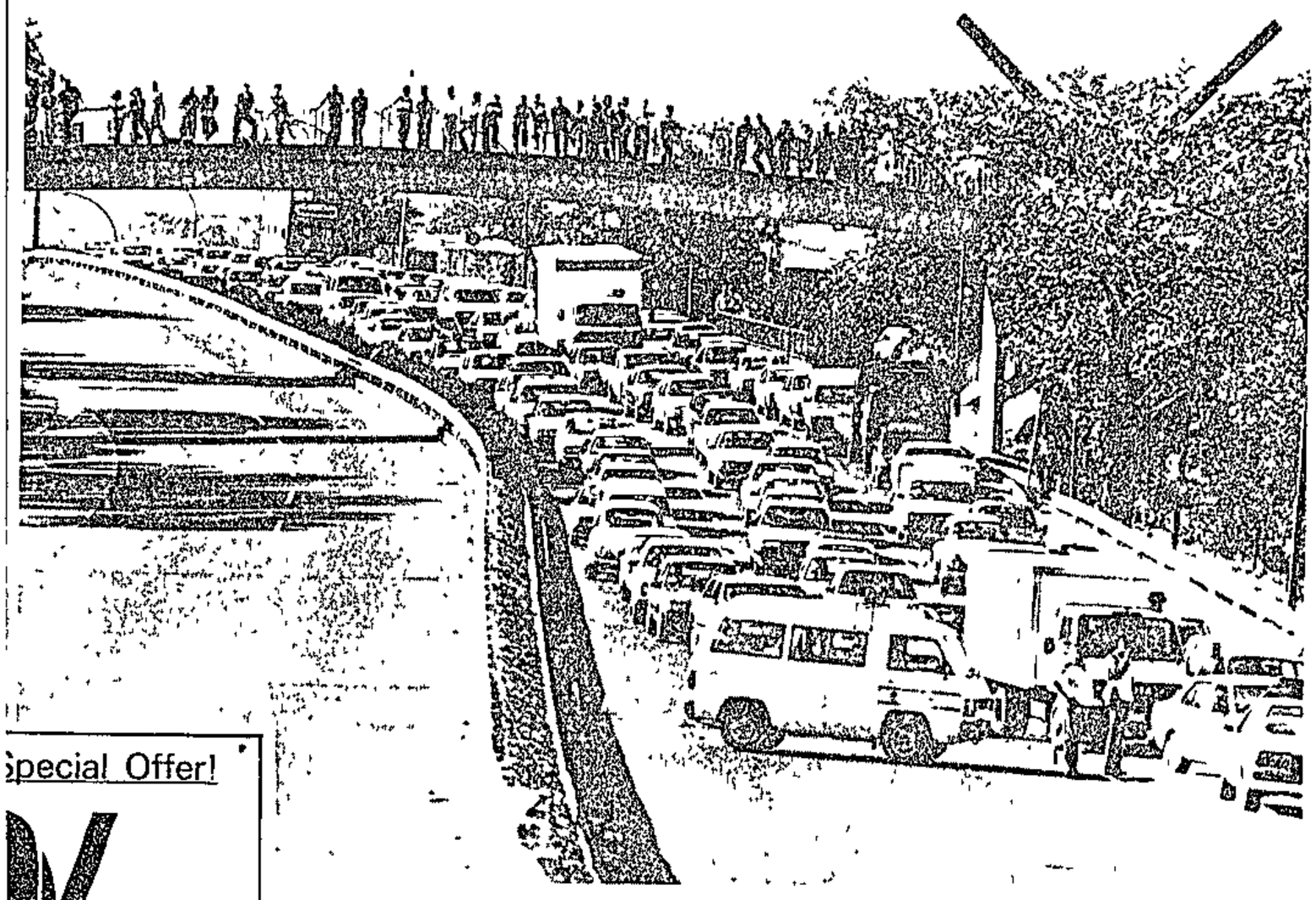

Pictures DION TROMP, The Argus

Cars bank up for hundreds of metres after traffic police closed De Waal Drive before yesterday's demonstration by UCT students.



A student injured in yesterday's charge by police on demonstrators on the grass verge next to De Waal Drive.



Dr Stuart Saunders, principal of UCT, ... licopter to move away before yes...

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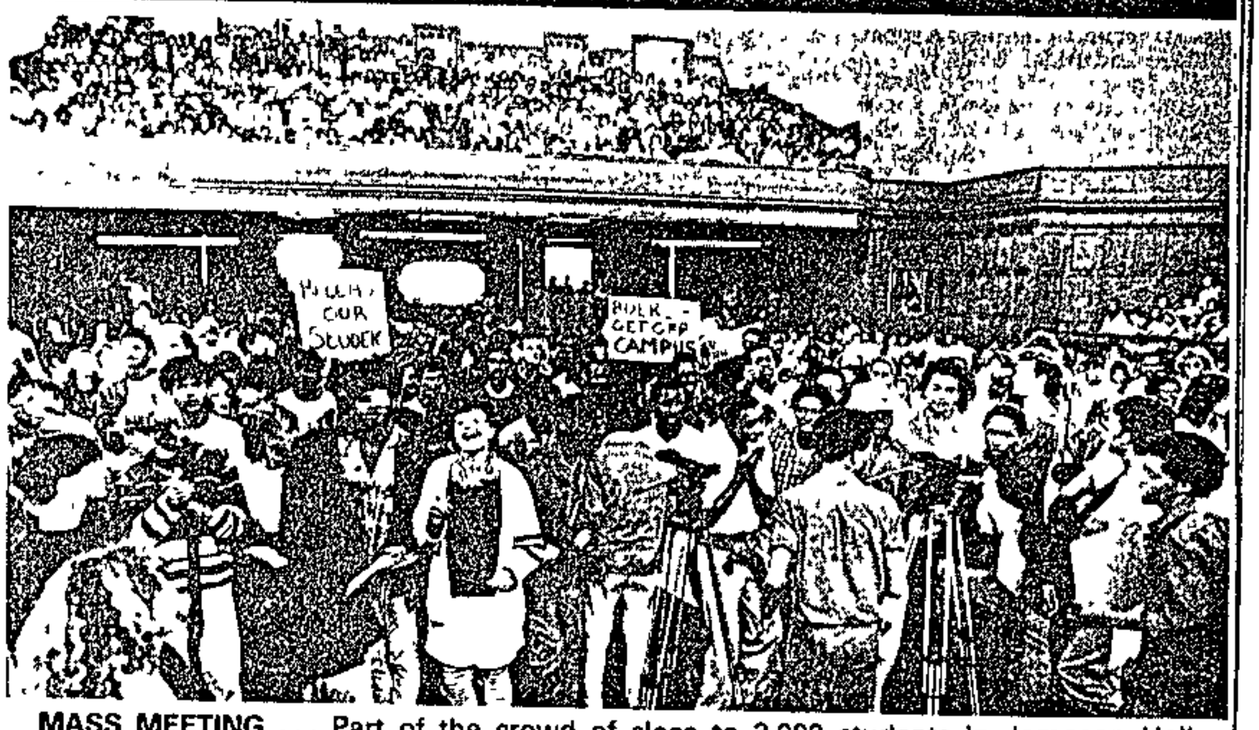
Campus conflict and traffic chaos . . .



UCT CAMPUS . . . The vice-chancellor of the University of Cape Town, Dr Stuart Saunders, comforts a student on the steps of Jameson Hall



MASS MEETING . . . Part of the crowd of close to 3 000 students in Jameson Hall yesterday before marching to the edge of De Waal Drive for the peaceful demonstration.

Cape Times 29/4/87

18 arrests at UCT

Staff Reporter

SEVERAL University of Cape Town students were injured and 18 more arrested yesterday in the third day of campus incidents.

More than a thousand students sitting along the edge of De Waal Drive, where they had been assembled with pickets for over two hours, were charged from behind while the vice-chancellor, Dr Stuart Saunders, was negotiating with senior police officers

And yesterday the Divisional Commissioner of Police in the Western Province, Brigadier Ronnie van der Westhuizen, announced that Rhodes Drive below UCT will be closed to traffic during peak hours until the situation on the campus returns to normal

'To avoid threats to lives'

Brig Van der Westhuizen appealed to the public to use alternative routes to and from the city where possible

"This step had been taken to avoid threats to lives and damage to property and followed requests that police stay off the campus," he said

Students described how yesterday groups of people panicked and scattered as they were sjambokked and dragged into vans

A second-year architectural student, who received stitches after being hit on the forehead by a sjambok, described how he joined the demonstration "because everything was peaceful" He said he did not hear any warning from the authorities

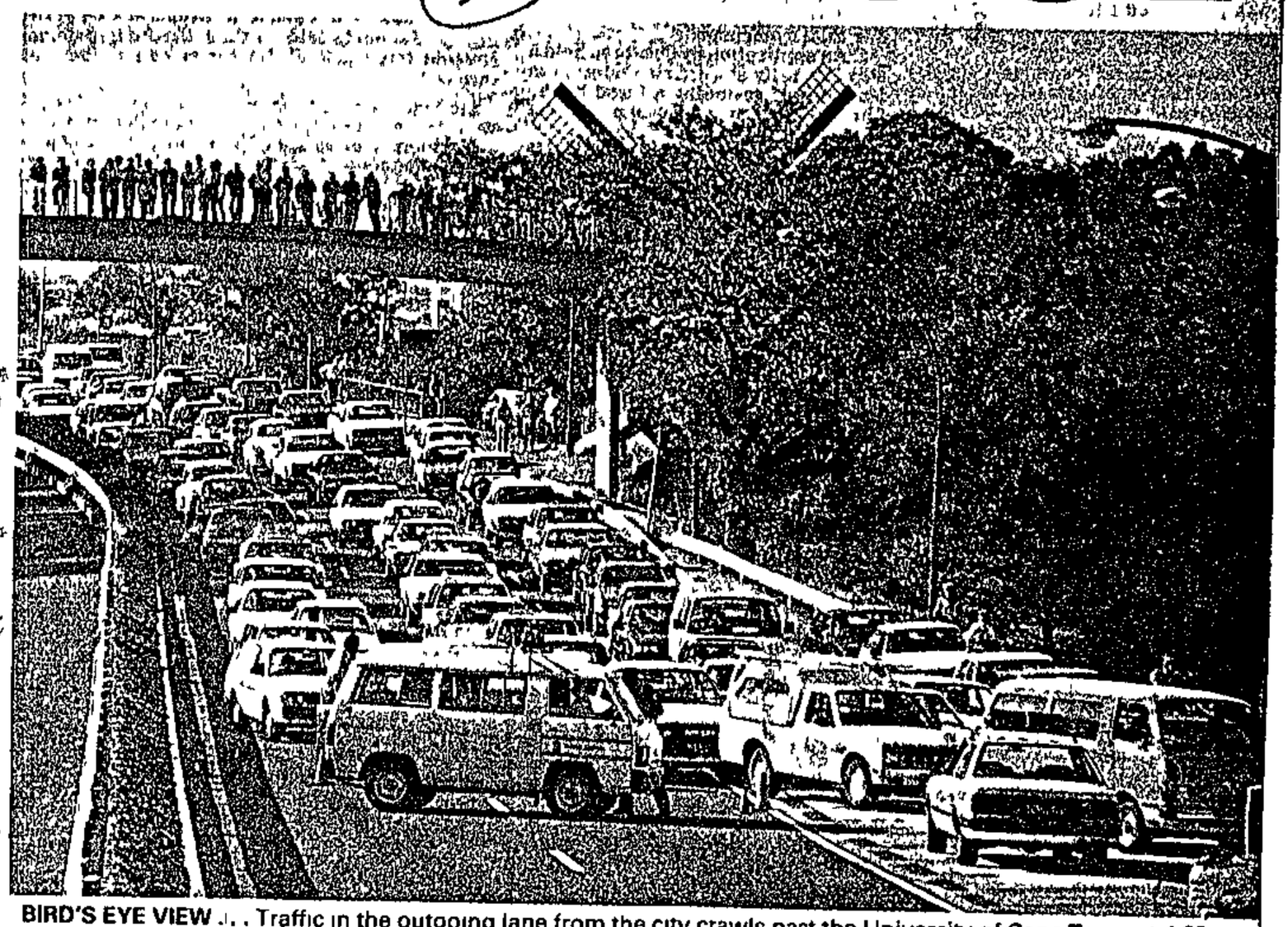
Other eyewitnesses said they saw two students with bloodied noses and mouths being dragged to vans after pandemonium broke out about 4pm

A statement by the Bureau for Information, issued via Sapa, said that 18 students were arrested in clashes with police at the campus yesterday

The full statement read "Police confirmed that approximately 400 students at UCT this afternoon at 1535h participated in a demonstration with placards

"The crowd then sat down alongside the De Waal

To page 2



BIRD'S EYE VIEW . . . Traffic in the outgoing lane from the city crawls past the University of Cape Town at 4.38pm, three minutes after Rhodes Drive roadblocks were removed. Eleven police vehicles are on the circular grass patch at the traffic interchange between Woolsack and Rhodes Drive. Picture: OBED ZILWA

pact

From page 1

Drive freeway. Police requests to disperse were ignored.

"Police used sjamboks to disperse the crowd. Eighteen people, all students and all above 18 years of age, were arrested: 10 white males, two black males, three coloured males and three white females. No damage or injuries were reported."

Last night, at an emergency meeting of the UCT Academics Association called to respond to events on the campus, the following motion was passed: "Arising out of Tuesday's events we declare our strongest support for the UCT students seeking to register their abhorrence at continued State brutality and express our solidarity with the students in their protest against the shootings of SARHWU workers and the SADF killings in Zambia.

"We protest against police action on UCT campus as unwarranted, vicious and wholly unacceptable and we commend the students on their disciplined behaviour in the face of provocation."

Asked how he felt about the events at UCT yesterday, Dr Saunders said: "I think the student demonstration was peaceful. No stones or missiles were thrown."

Students wanted to walk along the grass along De Waal Drive back onto campus, but police refused to allow them to do this, Dr Saunders said. He said he was in contact with senior police officers and negotiated "for a long time with police for permission".

Dr Saunders said a possible court interdict was "being looked into" to keep police off the campus.

The picket, along the edge of De Waal Drive, began after about 3 000 students packed Jameson Hall to discuss extending the lecture boycott, which began yesterday, and further response to the police shooting and arrests at UCT on Monday.

The mass meeting, which spilled out onto the steps of the hall, resolved to boycott lectures until tomorrow and hold alternative education programmes.

The meeting was told that students arrested in the previous days' clashes were being charged with public violence and students were advised that the Department of Criminology was collecting affidavits of alleged police brutality.

Students further resolved to demonstrate in a "peaceful and disciplined" manner along De Waal Drive to uphold their "lawful right to protest".

Messages of support from the United Democratic Front, the University of the Western Cape, the UCT Academic Support Association and the Child Guidance Clinic were read out.

While students filed from the hall about 2.30pm and headed for De Waal Drive, Dr Saunders and PFP representatives Mr Jan van Eck, Mr Jasper Walsh and Mr Jan van Gend headed towards the police, who had diverted traffic from Rhodes Drive, below the UCT campus along the Mowbray/Rondebosch turn-off.

A helicopter hovered over the campus while students sang freedom songs and waved their placards.

Student leaders warned the demonstrators against provocative action.

A major traffic snarl resulted in parts of the city when police sealed off the section of Rhodes Drive below UCT for several hours.

Mr Wouter Smit, assistant traffic manager for the city, said the highway had been closed at 1.50pm and reopened at 4.35pm. He said all vehicles were rerouted to Main Road, where there was a heavy flow of traffic during the roadblock.

☐ According to eyewitnesses, students taken from campus yesterday include: Mr Tony Karon, Mr Kashief Marcus, Mr Eugene Dreyer, Mr David Schmidt, Mr Franklin Opperman, Mr Nathan Dyentyisi, Mr Sean Field, Ms Shirlaine Douglas, Ms Pam Hicks, Mr John Burns, Ms Jackie Basson, Mr Klaus Wiessen, Mr Andrew Weelden, Mr Nazir Oberay and at least two others.

☐ **More reports, picture, page 7**



Picture DOUG PITHEY, The Argus

University of Cape Town students talk to journalists as they arrive at the Wynberg Magistrate's Court today for the appearance of five fellow-students who were arrested on the campus on Monday.

Court releases five UCT students on bail

Staff Reporter

FIVE University of Cape Town students arrested on the campus on Monday were granted bail of R50 each in Wynberg Magistrate's Court today.

They were Carol Green, 20, of Arnold Street, Observatory, Sally Andrew, 20, of Pear Lane, Constantia, Andrew Brown, 21, of Munroe Avenue, Claremont, Siobhain Mills, 21, of Main Road, Observatory, and Saleigh Adams, 19, of Santana Avenue, Diep River.

They were not formally charged and were not asked to plead.

The hearing was postponed to June 3 by the magistrate, Mr P Engelbrecht, who warned the students not to communicate with State witnesses.

The investigating officer, Detective-Warrant Officer T Kleynhans, said he understood two other students who were arrested with the five had been released.

Before proceedings started the court orderly asked their attorney, Ms Andy Durbach, to caution a crowd of about 100 family and friends to be silent or the court would be cleared.

ALCOHOL

The students were told they were "not on campus now" and were warned to "behave themselves".

Proceedings were delayed for an hour while behind-the-scenes decisions were made as to whether or not the hearing would be placed before the Regional Court.

In the meantime an embarrassed civil engineer stood trial in front of the packed public gallery for driving while under the influence of alcohol.

He pleaded guilty and told the court he was caught in a roadblock after drinking five beers while watching night cricket at Newlands at the end of March.

There was a strong police presence in the corridor outside the courtroom and three television crews waited on the pavement outside.

About 200 friends and relatives gathered outside the court to wait for the students.

They were released at the back gates of the court complex and were greeted by cheers, hugs and tears from the crowd.

UCT head blasts action by police

Staff Reporter

UNIVERSITY of Cape Town principal and vice-chancellor Dr Stuart Saunders said today he was "astonished and very angry" when police charged students from behind while he was negotiating a peaceful end to yesterday's protest.

Had permission been granted for students to march back to Jameson Hall the protest might have ended peacefully, Dr Saunders said in an open letter to the university community.

He said "The protest was non-violent on the part of the students I am pleased about that. And while I am pleased that the police kept off the campus and used minimum force, I was astonished and very angry when police came from behind when I was trying to negotiate with the students as I had arranged with a ranking police officer."

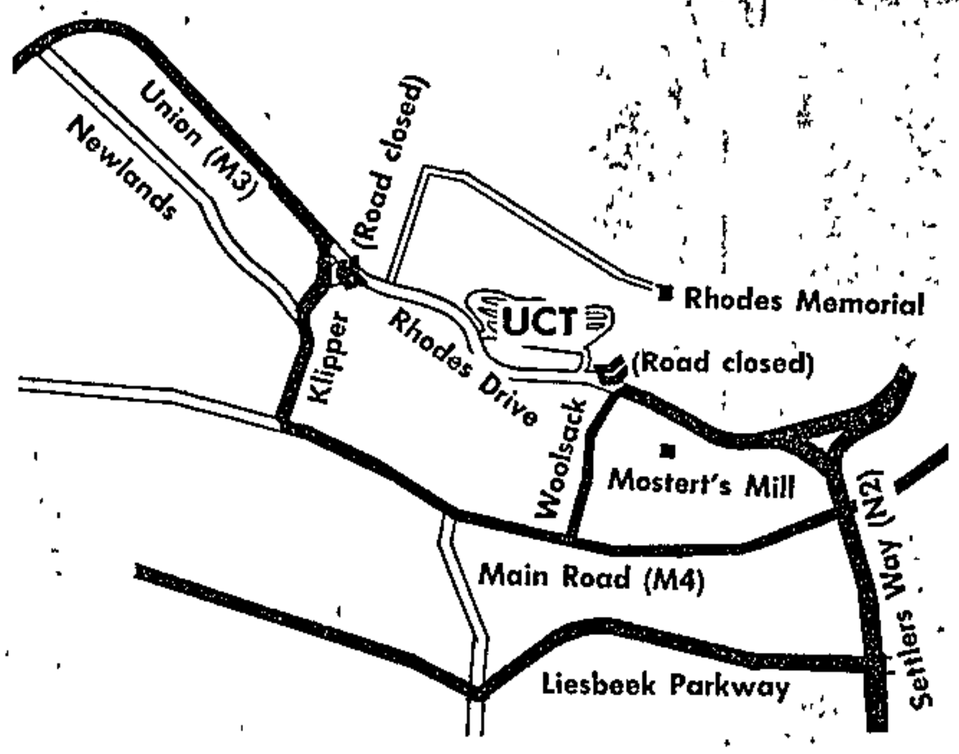
Dr Saunders once again appealed for calm and "the need to avoid violence of any kind".

Talks during the past two days between university administration officials and senior police officers, and later with student representatives, had been "directed at securing an end to the violence and preventing any further disruption of campus life".

No stones or missiles were thrown at the start of yesterday's student demonstration along De Waal Drive, he said.

"The students were well disciplined, sat on the grass most of the time and sang songs"

In the light of a decision by students to boycott lectures in favour of alternative programmes, Dr Saunders said all lectures, tests and classes would continue as usual for those students who attended them



Rhodes Drive to close

Staff Reporter

POLICE will close Rhodes Drive during traffic peak hours until the situation on the University of Cape Town campus "normalises".

Brigadier Ronnie van der Westhuizen, divisional commissioner of police, said the move was necessary to protect lives and property.

The decision followed requests to the police to stay off the campus

The route was closed for the first time yesterday afternoon between Woolsack Drive and Klipper Road just before a demonstration by students.

But it was reopened before peak hour after police action against the demonstrators, during which 18 people were arrested

A police spokesman said today the peak-hours closure would be between Mostert's Mill on the city side and Klipper Road on the Newlands side.

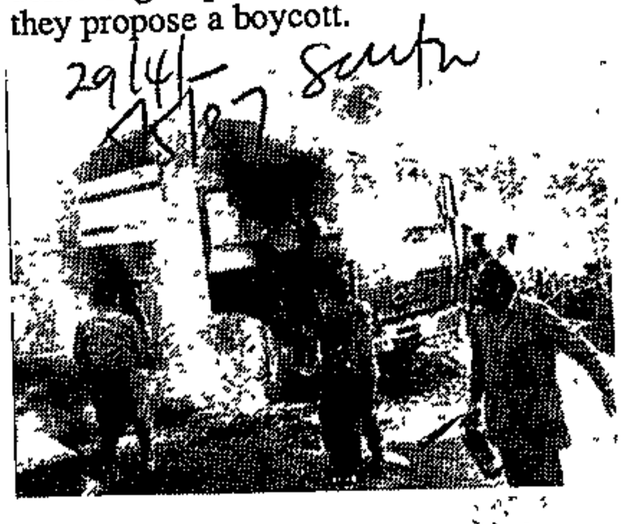
Among alternative routes are Main Road, Settlers Way and the M5 freeway and Constantia Nek and Kloof Nek.

● See Page 4

Dossier of violence

FRIDAY 24: Students protest against the dismissal of 16 000 Sats workers and the death of six people. About 250 students march to De Waal Drive.
Stones are thrown at passing cars and some students attempt to move on to De Waal Drive. Police arrive and fire teargas.
An SAP helicopter hovers overhead. Police move on to the rugby fields and into the sports centre and are stoned by students. The police finally advance to the plaza in front of Jameson Hall, again firing teargas, and march into the Jagger Library.
A South African Breweries delivery vehicle is set alight.

MONDAY 27: Students protest against Friday's police action and the SADF raid into Zambia. About 500 students take to De Waal Drive.
Stones are thrown at police who fire teargas. Students retreat to lecture theatres and police move on to the plaza. They move into the Red Level of the Students Union and fire teargas. Students are beaten with quirts in the library.
Ten are treated for birdshot wounds and one for a dog bite. It is the first time birdshot is used on UCT campus.
Police arrest seven students. The students regroup in Jameson Hall where they propose a boycott.



TUESDAY 28: Students decide to boycott until Thursday and to picket on De Waal Drive. No stones will be thrown.
Before the demonstration, the campus is sealed off, vans are parked on the grass verge below the bridge.
About 900 students sing freedom songs and chant slogans. Students boo a police vehicle with a camera crew. No stones are thrown.
Without warning three police vans drive on to campus and police arrest 18 students.

Cape Times
29/4/81 331

87

'Victim' arrested, court told

Court Reporter

POLICE "bust" into a hall in which a man was being sjambokked during a "people's court" and arrested him along with the people who had beaten him, a Wynberg Regional magistrate heard yesterday.

The alleged victim, Patrick Kali, who is presently serving a jail term, was giving evidence in the trial of 21 people charged with sedition in that they held a "people's court" in June last year and assaulted Kali and Mr Samuel Zantzi.

All the charges were withdrawn against Mr Peter Menye, Mr John Davids and Mr Gilbert Bala.

Patrick Heyana was earlier during the trial convicted of possessing a firearm and six rounds of ammunition after he pleaded guilty to the charges, which were withdrawn against all the others.

The hearing continues today.

Mr J D Huggett was the magistrate. Mr N C Erasmus prosecuted. Mr de Lange, Mr J C Marais instructed by E Moosa and Associates and Mr L Padayachi appeared for the 21.

3)

Cape Times 29/4/87

Saunders appeals for calm

DR Stuart Saunders, principal and vice-chancellor of the University of Cape Town, yesterday condemned violence on campus and appealed for calm on all sides. In an open message to the UCT community, he detailed the events of Friday and Monday when students clashed with police:

"Stones were thrown at cars on De Waal Drive and the police responded with teargas. The police entered the campus, were repeatedly stoned and repeatedly used teargas.

"This occurred several times on the Plaza in front of Jameson Hall I called upon the students to disperse and told them that the police had agreed to my request to leave the campus.

"As the police were leaving stones and bottles were thrown at them. They retaliated with teargas and this was repeated several times. The police entered the library and several other buildings and hit students with quirts and fired teargas into some buildings

"Seven students were arrested and I understand are due to appear in court. Ten students were treated for birdshot wounds and one for a dog bite at the students health centre

"I strongly deplore the use of firearms by the police and have condemned some other actions of the police to the divisional commissioner as well

"I understand the crisis in the land is being felt on this campus. This university has always upheld the right of peaceful and appropriate protest. Violent protest and arson are intolerable.

"I condemn them and I know the vast majority of people on this campus condemns them also. Innocent people were put at great risk on the campus by these events ...

"If there are disturbances on campus do not mill around outside. Do not be a curious onlooker ...

"We must preserve our university. It has an important role to play in the years ahead and it must not be destroyed," Dr Saunders said. — Sapa and Staff Reporter



MONITORING THE SITUATION . . . From left, the UCT vice-chancellor, Dr Stuart Saunders, the PFP MP for Claremont, Mr Jan van Eck, the PFP MP for Pinelands, Mr Jasper Walsh, and the PFP MP for Groote Schuur, Mr Jan van Gend, stand across the road from De Waal Drive and discuss yesterday's events at UCT.

Magistrate slates police witnesses

By ANDREW DONALDSON

THREE Zwelethemba residents were acquitted of public violence in the Worcester Regional Court this week after the court found that the state's case against the accused "appeared to be fabricated" by members of the police.

In his judgment on Tuesday, the magistrate, Mr A P Kotze, said that during the course of the trial he had noticed several policemen, all State witnesses, conferring with each other in the court passages and reading each other's statements, apparently to strengthen their evidence.

He criticised their actions as being "certainly not in the interests of justice".

Contradictions

Even so, there were several "material contradictions" in their evidence, Mr Kotze said.

The charges against Mr Holiday Louw, 49, Mr Lawrence Louw, and a 16-year-old youth arose from an incident in Thusa Avenue, Zwelethemba, on May 21 last year.

It was alleged that between 30 and 90 people built a metal barrier in the street and attacked a generator, as well as throwing stones and petrol bombs.

Police, responding, claimed they fired 10 SSG shots into the crowd. No one was found hit or injured.

In addition, the youth — who may not be named — was also charged with assault with intent to commit grievous bodily harm after he allegedly attacked a police officer, Lieutenant H le Roux, with a knife.

All had pleaded not guilty to the charges.

Referring to his criticism of the evidence by the police, Mr Kotze said this was not levelled at the prosecutor in the case, Mr W B Badenhorst.

He strongly doubted the involvement of all three accused in the incident and said he was left with the impression that Lieutenant Le Roux, a chief State witness, had attempted to "press his stamp" on other police witnesses, before they testified, to strengthen his (Lt Le Roux's) evidence.

"Their evidence teems with contradictions and improbabilities."

Mr R W McLachlin, of Conradie and Partners, of Worcester, appeared for Holiday and Lawrence Louw, and Mr M A Albertus, instructed by Y Ebrahim and Company, appeared for the youth.

Students 'right' in their protest

Cape Times 30/4/87 27

THE police and student clashes at UCT have prompted responses from Teleletter readers. Other issues raised include the SATS time-table debacle and the possible presence of Naas Botha in the WP rugby side.

Mrs A Van Der Riet, 3 Velden Road, Wynberg: "People must be reminded that the UCT students are quite rightly expressing their abhorrence of the killing of SATS workers and the cross border raid into Zambia. Do not be diverted from these, the real issues, by half truths and hysteria regarding student behaviour."

Mr L C Turner, Upper Primose Avenue, Claremont: "It is a disgrace that Rhodes Drive had to be closed due to student protest. The university authorities should either 'expel' these 'opstokers' or exact corporal punishment against them."



Mrs H Clarke, Huis Nuweland, Silvia Road, Claremont: "Please note that UCT yesterday made a peaceful demonstration for justice. I see they are now being asked by the Department of Criminology to put their case for injuries done by police with sjamboks and bird shot. Let right be seen to be done."

'People's court' charge: 21 acquitted

TWENTY-ONE MEN who have been in custody for more than nine months, were yesterday acquitted in the Wynberg Regional Court of holding a "people's court" and assaulting two men whose evidence the court found was "totally unreliable".

The men were arrested in July last year and were all acquitted of sedition.

They were further acquitted of assaulting Patrick Kali, who is serving a jail term for another offence, and Mr Samuel Zantzi, who is in custody awaiting trial.

Twenty of the men were also acquitted on charges of illegally possessing a firearm and ammunition.

Patrick Heyana, 18, was sentenced to 18 months' imprisonment, suspended for five years, for possessing a .22 calibre gun and six rounds of ammunition. He pleaded guilty to the charge earlier.

The other 20 are: Mr Moses Faku, Mr Aubrey Matrose, Mr Lulame Matabeni, Mr Thabo Mandeni, Mr Monde Bekwa, Mr Mongezi Mavata, Mr Vuyile George, Mr Shadrack Somo, Mr Michael Mdodlwana, Mr Patrick Ncapayi, Mr Solomon Nqini, Mr James Mngqibisi, Mr Zangisele Mayekiso, Mr Patrick Eleke, Mr Getwa Pheni, Mr Bala Mfungisa, Mr Gilbert Bala, Mr Vuysile Mephi, Mr Peter Mafoa, and Mr Ngeba Godwana.

The magistrate said he was satisfied that the evidence of Kali and Mr Zantzi was unreliable. He said it would be dangerous to come to a decision based on their evidence

Mr J D Hugget was the magistrate. Mr N Erasmus was the prosecutor. Mr J H de Lange and Mr J C Marais, instructed by E Moosa and Associates and Mr L Padayachi, appeared for the 21.

Bing, wife, living on charity

LEEDS, England. — Sir Rudolf Bing, former director of the New York Metropolitan Opera, and his 47-year-old bride settled into a modest guest house yesterday to live on charity while a court fight over his fortune rages in the United States, a spokesman said.

His wife Carroll, a former geriatric nurse, said she and her 85-year-old husband intend to live "a peaceful and quiet life" in England despite orders by a New York judge that Sir Rudolf be returned to a hearing to determine the future of his estate.

The two were married in January but have been officially declared incapable of handling their affairs — including his fortune, estimated at about a million dollars. — UPI

Evidence on UCT conflict

UCT'S Institute of Criminology has taken more than 50 sworn statements from people injured in, and witnesses to, this week's violence on campus.

An Institute spokesman said the body of the evidence related to Monday's shootings and Tuesday's sjambok charge on students

"It looks like at least 10 were injured in the shooting. According to the statements, it appears that a small group of students, about 15 in all, were standing near the sports centre about 3pm on Monday when two plainclothes people stepped out from the path between the rugby fields and the highway, pulled shotguns from under their jackets and opened fire

"Most people ran away towards the sports centre, where they were shot at again. Some received head wounds, while others were hit in the eye, throat, chest, back, arms, legs and groin.

"Some of those hit weren't part of the group watching the police and which was subject to the initial fire It is unclear whether any stones were thrown at that time."

According to the statements, no warning was heard before police opened fire.

"The statements also covered a number of other incidents, including the sjambokking of people in and just outside the library, and people being chased down corridors of university buildings and sjambokked.

"There was also a lecturer shot at point blank range with a teargas cannister on Monday."

It would be decided at a meeting later what legal options to pursue.

☐ Report, page 2

Police siege at Cosatu

CARE Times 30/4/87

JOHANNESBURG. — Heavily armed police, blaming trade unionists for the gruesome murder of four railway strike-breakers, yesterday surrounded Cosatu House and used masked informers to point out 11 allegedly wanted black activists.

The raid came exactly a week after police shot and killed six members of the Congress of South African Trade Unions and hours after Cosatu called for a two-day protest to coincide with the whites-only general election on May 6.

More than 100 heavily-armed police surrounded Cosatu House in downtown Johannesburg, closing streets with yellow barriers and forcing black people on the streets to go indoors.

The policemen, many wearing riot helmets, carried rifles, shotguns, teargas launchers, batons and gas masks A crowd of onlookers were dispersed by police with dogs.

Eleven people — aged from 12 to 49 years — were arrested in the raid.

Lieutenant Pierre Louw, police liaison officer for the Witwatersrand said all the arrests were made in the building. He said a police search of the building was still underway at 9.30pm and would continue for about "an hour or so".

Police said in a statement released during the raid that Cosatu House was being used to assault and torture railway workers who had refused to take part in a strike that ended last week.

They accused Cosatu of complicity in the killing on Tuesday of four unidentified blacks found stabbed, hacked and burned to death in a field at Kaserne, near Soweto.

"The South African Police now possess reliable evidence which indicates that these four men were forcibly removed to Cosatu House, where they were violently assaulted and thereafter taken to Kaserne, where they were butchered in the most barbaric fashion," police said.

Cosatu's general secretary, Mr Jay Naidoo said it was "very hard" to believe the police version that four men whose charred and stabbed bodies were found at Kaserne had been assaulted and tortured at Cosatu House.

Mr Naidoo said last night the union grouping would bring an urgent court application today to challenge the legal premises on which the police entered Cosatu House.

Cosatu lawyer Mr Peter Harris said police took four masked black men into the building, where about 500 transport workers were discussing the firing last week of 16 000 strikers.

"We made a deal with police that the women should be evacuated. The evacuation was going peacefully when police threw teargas down a stairwell. There was no provocation for this," he said.

A Cosatu official reached by UPI by telephone said "police went in there with four black men in knitted balaclava helmets. They are letting the men out of the meeting one by one, searching them and letting the four look at them."

A camera crew from the American CBS network, Chris Everson and Greg Shaw, were briefly detained at the Jeppe Police Station — suspected of contravening Section 3a of the emergency regulations and then released, CBS confirmed last night.

The General Manager of SATS, Dr Bart Grove, yesterday expressed his revulsion at the "needless and gruesome" necklace killing of four SATS workers near Kaserne. — Own Correspondent, UPI and Sapa-Reuter

Peaceful 4th day for UCT protest

Staff Reporters

HUNDREDS of University of Cape Town students staged two demonstrations on the main and medical campuses yesterday, in the fourth day of protests against government and police actions

But there were no confrontations with police as in previous protests.

In what students said was the first political action of its kind, about 100 medical students staged a brief placard demonstration inside the Medical School's grounds at the fence alongside the N2 highway

Last night, SABC-TV showed undated footage of police moving in on demonstrating students bearing placards. Some students were shown throwing stones.

Yesterday morning about 400 students marched to the administration buildings where they presented a list of demands to university authorities

Demands included that UCT authorities fight for the release of detained students, everything possible be done to prevent police entering the campus, including proceeding with an interdict to that effect, all lectures be cancelled for the duration of the three-day stay-away ending today and; no students participating in the stay-away be victimized

No police presence

Professor James Leatt, deputy vice-chancellor in charge of student affairs, promised a statement would be issued later In an earlier statement yesterday Principal and vice-chancellor Dr Stuart Saunders repeated his call for calm and the need to avoid violence of any kind

The demonstration by medical students, staged at about 4pm in view of home-bound traffic on the N2, met with no police presence and passed peacefully

Before the demonstration, dean of the faculty Professor George Dall warned students their actions could lead to teargas being fired This could negatively affect patients in Groote Schuur Hospital and laboratory animals housed on the medical campus

He said "irresponsible" action by students could affect their registration as medical practitioners

□ Dr Saunders said yesterday he was "astonished and very angry when police came from behind", while he was negotiating with students during the demonstration at the edge of De Waal Drive on Tuesday

'Came from behind'

"Before I could address the students (who were sitting on the grass) to try to get them to disperse, other police came from behind and forcibly dispersed the students"

He said that on Monday night he and his colleagues had talks with the SRC and on Tuesday morning, with Prof Leatt, met with representatives of the SRC, the SA National Students Congress (SANSCO) and Nusas

"Earlier that morning we had discussions with senior police officers Our efforts were directed at securing an end to the violence and preventing futher disruption of campus life"

He said that during the demonstration, students were disciplined and no missiles were thrown at passing police vehicles.

"I then asked for permission for the students to march inside the campus and then turn back to the front of the Jameson Hall, but permission was refused," he said.

"I believe that if that had been allowed the demonstration would have ended peacefully"

● The National Education Crisis Committee (Western Cape) last night condemned the "brutal action" by security forces against the students.

Road open

Staff Reporter

RHODES Drive in front of the University of Cape Town will not be closed unless the situation on campus deteriorates. A police spokesman said an announcement that the road would be closed during peak hours applied to Tuesday afternoon's situation.

UCT students 'injured'

Staff Reporter

BETWEEN 26 and 30 UCT students were treated by the university's medical staff for sjambok and shotgun injuries during this week's violence on the campus.

According to Dr J D Norval, director of student health, between eight and 10 students were treated for birdshot wounds on Monday after police opened fire on demonstrators.

"We had one serious case, a young man who had been hit in the left upper eyelid and was haemorrhaging We sent him to Groote Schuur Hospital

"It is possible he could lose his eye, but we have not seen him since we sent him to hospital so we do not know what happened," said Dr Norval

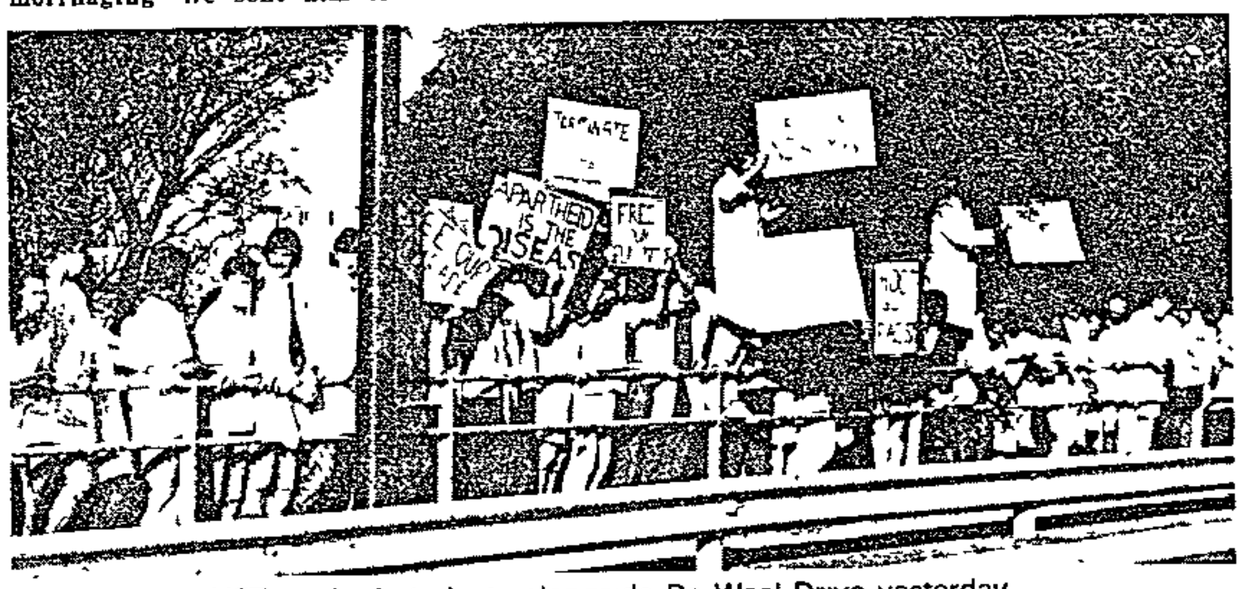
The other serious case was a student who suffered a blow to the back during an epileptic-type fit during the disturbances

"We also saw sjambok injuries on Monday — I think about three or four in all

"On Tuesday we saw quite a number of sjambok injuries The only severe injury was a student with a bad cut to his forehead which we stitched. We saw 15 sjambok injuries in all"

Dr Norval said the medical team had seen several teargas cases last Friday and on Monday, but most of these were simply cases or irritated eyes which were bathed in water No cases of asthma or related respiratory ailments were reported.

□ A Bureau for Information spokesman told Sapa from Pretoria on Monday that the police had 'no information" on student injuries 'If there were injuries they must have been light as none was reported to the police and nobody was treated at hospital"



UCT medical students alongside De Waal Drive yesterday.



HAPPY TO BE FREE . . Ms Carol Green, left, and Ms Sally Andrew, second left, two of the women who appeared in court yesterday after their arrest on Monday, with friends Mr Sean Bassey, Ms Arona Dison and Mr Charles Kent. Picture ALAN TAYLOR

UCT 5 released, granted R50 bail

Court Reporter

FIVE University of Cape Town students who were arrested after confrontations with the police at the campus on Monday, were released after they were granted R50 bail in the Wynberg Magistrate's Court yesterday

The five were not asked to plead and no formal charges were put to them They are Mr Andrew Brown, 21, of Monroe Avenue, Claremont, Ms Carol Green, 20, of Arnold Street, Observatory, Mr Siobhan Mills, 22, of Lower Main Road, Observatory, Ms Sally Andrew, 20, of Pear Lane, Constantia, and Mr Saleigh Adams, of Santana Avenue, Diep River

The charge sheet indicates that they may be charged with public violence

About eight policemen were present in the corridor and many more outside the building, where about 200 friends, relatives and fellow students gathered to greet the five

Three foreign television camera crews were also outside the court.

The hearing was adjourned to June 3.

Mr P Engelbrecht was on the bench Mr R Totemeyer prosecuted. Mr A Adams appeared for Mr Adams. Ms Andy Durbach appeared for the other students

Ban lifted

Staff Reporter

THE Acting Rector of the University of Stellenbosch, Professor Roux de Villiers, said last night he had lifted the "temporary" ban on the activities of the Black Students Association of Stellenbosch and the National Union of South African Students

The activities of these two organizations were suspended after last Friday's incident in which students wrestled with a man — later identified as a policeman — who tried to arrest a trade unionist.

peared respectively for Mr Buys and Mr Bester.

People's courts: 21 acquitted

ARGUS 30/4/87

Court Reporter

WYNBERG Regional Court today found there was "not a grain of evidence" to implicate 21 emergency detainees in people's courts and assaults in Guguletu and Langa last June.

The men, who pleaded not guilty, were acquitted.

They are: Mr Patrick Heyana, 18, Mr Moses Faku, 24, Mr Aubrey Matrosa, 21, Mr Lulama Matabeni, 21, Mr Thabo Mangena, 20, Mr Monde Bekwa, 18, Mr Mongezi Mavata, 26, Mr Vukile George, 18, Mr Shadrack Somi, 18, Mr Michael Mozulwano, 21, Mr Patrick Ncapayi, 24, Mr Solomon Nunu, 20, Mr James Mnjgibisa, 20, Mr Zongezile Majekiso, 23, Mr Patrick Eleki, 26, Mr Getwa Pheni, 19, Mr Bala Mfungasane, 27, Mr Gilbert Bala, 35, Mr Nceba Jodwana, 22, Mr Vuyisile Mephi, 22, and Mr Peter Manja, 20.

Mr Heyana earlier pleaded guilty and was convicted of possessing an unlicensed firearm and six rounds of ammunition. He was sentenced to 18 months' imprisonment conditionally suspended for five years.

"WEAK, UNRELIABLE"

The rest, who have been in detention under the emergency regulations since July last year, were released.

The magistrate, Mr J D Huggett, said the court's opinion was that the State witnesses were "absolutely weak, unreliable and utterly untrustworthy".

"In the case of Mr Samuel Zantzi, the court had to deal with a man who had hallucinations and didn't know what was going on at the time of the alleged offence. As far as Mr Patrick Kali was concerned, there was no description of court proceedings, nor any notes taken, nor any indication that the accused were guilty of taking the law into their own hands."

Mr Huggett said Mr Kali's evidence was contradictory and the court could not accept his explanation of why he waited three weeks before laying charges of assault.

Mr Huggett said that in neither case was there medical evidence of injury to two witnesses.

The men were arrested with 31 others on charges of conducting people's courts and assault. All have been released either because of insufficient evidence or the State's inability to trace key witnesses.

Saunders defends his statement about stones

ARGUS 30/4/87

Staff Reporter

UNIVERSITY of Cape Town vice-chancellor Dr Stuart Saunders today defended his statement this week that "stones were thrown at passing cars before police arrived" at the onset of campus violence last Friday.

A student delegation yesterday demanded an explanation.

Dr Saunders said today: "I was not present on Friday 24 April.

"I have an eyewitness account that stones were thrown at passing cars on Friday April 24 before police arrived on the scene.



Dr Saunders

"Students claim that police who arrived in unmarked cars were the target on Friday and that the first stones were thrown at a marked police car on Monday 28."

Whether or not stones were thrown at police cars, marked or unmarked, was irrelevant, he said.

"Any vehicle on De Waal Drive was endangered on both occasions. I cannot condone stone-throwing under any circumstances and especially on a busy highway like De Waal Drive.

"Secondly, I uphold the right of students to protest peacefully and appropriately. Protest is neither effective nor legitimate when stones are thrown and lives are endangered.

"The protest on Tuesday April 28 was disciplined and peaceful. I have already said publicly that I was pleased about that."

Dr Saunders has also said that lectures will be held as usual in spite of a student boycott.

However, in response to a student demand, he had appealed to the heads of departments and lecturers to consider "as appropriate and as possible" repeating lectures or providing notes to cover missed material.

RIOTS AND DISTURBANCES - CAPE

1987

MAY — ~~September~~ DECEMBER. ~~Oct~~.

NB.

PLEASE DO NOT RIOT BACK AND DISTURB THIS FILE!!.

PLEASE!

Thanx. BASU!



ABOUT TURN . . . Dr Stuart Saunders and academics lead students back to the Jameson Hall after police arrived on the campus while students were marching on the administration buildings to deliver demands. Picture: ALAN TAYLOR

Police storm rally; 6 arrests at UWC

From page 1

youth, two coloured men, three coloured women and two white men were arrested."

Late last night ABC lawyers were attempting to bring an urgent interdict for the newsmen's release.

The United States Embassy was "looking into the matter" and was "concerned about the involvement of an American network", a spokesman said.

The Bureau report of the incident stated: "At 2.15 a group of about 500 students threw stones at private vehicles. They were dispersed by way of tearsmoke and sjamboks. No damage or injuries were reported."

An SRC spokesman said a few students threw stones after police moved on to the campus but they saw no stones thrown before this.

Police escorted a Cape Times car from the campus yesterday morning after telling a reporter to leave the area or face arrest.

At UCT further confrontations were averted when Dr Saunders intervened while students were marching towards the administration buildings below De Waal Drive, where students called on members of the university community to join them in a march on May 6 under the banner "One person one vote in a unitary state".

Earlier, Ms Carla Sutherland, president of the SRC, read a note from Professor James Leatt, the deputy vice-chancellor in charge of student affairs, which said he had information that any march to De Waal Drive would be stopped by the police.

IN A DAY of drama on three university campuses yesterday, at least six students and two journalists were arrested at the University of the Western Cape after police stormed on to the campus and fired teargas to disperse a rally, while at UCT, the principal and vice-chancellor, Dr Stuart Saunders, singlehandedly averted further confrontations between students and police.

And in Johannesburg, hundreds of University of the Witwatersrand students were fired on with teargas while staging a sit-in protest in support of UCT students and issues which sparked violence on the local campus earlier this week

The UWC arrests followed a May Day rally in the main hall attended by about 1 500 people. Police fired several canisters of teargas to disperse students.

About 500 students staged a protest march to the campus gates where a large police contingent, including a Casspir, was drawn up

Armed police with cameras were also stationed behind a wooden "hide" on top of the SATS building opposite the gates.

The rector, Professor Jakes Gerwel, attempted to speak to a Captain Van Schalkwyk, in apparent command, but the captain refused and police stormed on to the campus seconds after students were given a three-minute warning to disperse

Two journalists, ABC cameraman Henry Bautista and soundman Willem Pretorius, were arrested.

A police liaison officer for the Western Cape, Lieutenant Attie Laubscher, said last night that the two newsmen and "six other people" were being held in the Bellville police cells under the Public Safety and Internal Security Acts

The Bureau for Information said: "A 15-year-old

To page 2



AMANDLA . . . Wits students at a meeting on the campus yesterday.

About 500 students, watched by police in parked cars on De Waal Drive, then marched towards the administration building

When students reached Stanley Road on the other side of De Waal Drive, police vans and trucks pulled up. About 40 policemen, some armed with shotguns, teargas launchers and sjamboks, jumped out and followed them

Dr Saunders came running towards the students and called on them to halt

He told them: "The police, I am sorry to say, have decided that you cannot walk down here to give me a message. I think that is wrong I do not want anyone to get hurt, it will not achieve anything"

Dr Saunders asked students to allow their leaders to come to his office and deliver their important message. He wanted students to return peacefully and quietly to Jameson Hall, he said.

In answer to students' demands of a guarantee that police would not charge once they started walking back, Dr Saunders said he would lead the march back to Jameson Hall.

Led by Dr Saunders and about 15 lecturers, the students held hands and walked back to the hall while watched by the police. The police helicopter circled overhead.

At Wits University, police fired teargas on to the campus several times yesterday afternoon from the campus border on Jan Smuts Avenue, but students opted for a peaceful sit-on the campus rather than confront security forces.

Wits students were protesting against last week's SADF raid into Zambia, township evictions in Soweto, the Cosatu House siege, in solidarity with SATS strikers and against recent security force action at other universities.

□ In a statement, Professor Colin Gardiner, chairman of the Joint Academic Staff Association (Jasa) of the University of Natal, expressed support for all those at UCT — the principal, staff and students.

WESTERN CAPE

ARGUS 1/5/87

Paying a debt to society

THE recent sentencing in the Supreme Court of four public violence offenders to weekly community service for two years — the first public violence sentence of its kind — attracted attention in legal circles. But community service as an alternative to imprisonment was the focus of a pilot project launched by Nicro (National Institute for Crime Prevention and Rehabilitation of Offenders) in Cape Town in 1980. As a result, community service has gained acceptance, although Nicro would like to see it used more widely. SUE LUPTON spoke to Linda Christiansen, Nicro's Western Cape director, and Isabel Hancock, a senior social worker responsible for co-ordinating community service orders:

IF a person convicted of a crime is not a danger to society, it makes sense to allow him to pay for his misdeed by serving the community, instead of sending him to prison to be exposed to contamination and alienation at the taxpayer's expense.

This is the concept of community service as an alternative to prison, which has been ordered in about 300 court cases in Cape Town since Nicro launched a pilot project in 1980.

Nearly 200 men and women have completed their service in this period, and 29 are doing it at the moment

As a result of the project's success, community service orders have been introduced on a small scale in other regions and the local branch of Nicro is drawing up guidelines for other branches.

Nicro doesn't claim a fairytale success rate with community service. In fact, about a quarter of offenders sentenced in this way are referred back to court because they don't fulfill the conditions of regular attendance being sober, punctual, co-operative and responsible.

Because a community service order is always made in conjunction with a suspended or postponed sentence, the court then has the option of sending the offender to jail, or giving him another chance at the service

Community service has numerous benefits — not only is the offender able to remain in his family and continue working, but he does not have to face readjusting to society.

He repays society by giving unpaid service and he benefits from appreciation, which boosts his self-esteem and confidence Low self-esteem is almost always one of the reasons why he became involved in crime.

But it is not a "soft option" — the maximum sentence recorded is 1 664 hours' service, the equivalent of one eight-hour working day a week for four years.

By trial-and-error, Nicro drew up a programme to be followed before a community service order is imposed.

- When a judge, magistrate, social worker or lawyer suggests that community service may be appropriate, a report is requested on the suitability of the person;
- The probation officer — a member of a State welfare department — investigates;
- A panel discussion, involving the Nicro community service supervisor, the probation officer and the offender is held to assess if the offender is suitable,
- A suitable placement is found;
- Community service is recommended to court,
- The judge or magistrate accepts or rejects the recommendation.

During this process, candidates are screened carefully The minimum age is 15 and only those with stable accommodation and employment are considered suitable.

Usually unsuitable are mentally disturbed offenders, drug-addicts and sexual or violent offenders

It is essential that the offender is willing and motivated to do community service.

Great care is taken in finding a placement where the offender will fit in and be able to make a contribution. The offender's interests and where he lives are also taken into account.

A person is never sentenced to community service a second time If he commits another crime, it is clear that the objective of the sentence — to rehabilitate — has failed.

Community service orders are most often imposed for drunken driving offences

Other crimes for which it has been used are stealing, drug offences, culpable homicide, fraud and assault.

A community service order is always made with the involvement of a probation officer whose task is to encourage, counsel and supervise.

Nicro's function is co-ordination matching the offender to the "placement agency" where the service is performed and making sure it is performed efficiently and honestly

Most of the "placement agencies" where offenders perform their service are welfare organisations which need voluntary workers.

Institutions and clubs for the physically or mentally handicapped, hospitals, municipal cleansing departments and children's homes are among the organisations which provide opportunities.

Dead 'spy' had SADF ID, inquest told

SADF identification was found on a man who was killed after a UDF meeting in Mitchells Plain where he was accused of being a police spy.

This was evidence in an informal inquest hearing in Wynberg Magistrate's Court yesterday.

Inquest magistrate Mr G Hoffmann found that Mr Moegsien Abrahams, 22, died after receiving a knife wound in his chest, inflicted during an assault on May 25 last year. He also found that Mr Abrahams's death was brought about by an act amounting to an offence, being assault by an unknown person.

Sergeant F Coetzee said in a statement that he had searched the body of Mr Abrahams and found a purse and "an army identity document issued to M Abrahams".

In another statement, Mr Alan Borgstedt said he had been washing his car about 5.30pm when he saw a bare-chested man being chased

"The man was covered in blood and ran on to my premises where he fell against a glass panel next to my front door and broke it. He then ran through my house and into the back yard."

Mr Borgstedt said he pleaded with the pursuers who had half-bricks in their hands and appeared to be UDF members, to leave the man alone.

"Some of them told me that the man was a police informer who had been at a UDF meeting at the Westridge Civic centre," Mr Borgstedt said.

"I went into my back yard and found Mr Abrahams lying against the wall with a knife wound in his chest." His pants and shoes were full of blood. By the time the ambulance arrived he was dead.

Mr Yusuf Adam, who had chaired the meeting, said one of the marshals who were there to maintain order, informed him that "two unwanted guests" were present. He had announced their presence and asked them to leave.

Immediately after he made the request he saw a number of people rush to the exit. He denied that he had identified the "unwanted guests" as police informers.

Mr Adam said some marshals escorted a man with a torn shirt to the stage. Marshalls and executive members formed a barrier to protect him from the people "who were trying to get at him".

Mr Ismail Bakardien, who was a marshal, said he had taken the man out through the back entrance and when they were a few yards away from the centre "some students burst out of the backdoor".

Cosatu 'condemns violence'

JOHANNESBURG. — A Congress of South African Trade Unions statement issued here yesterday said Cosatu had long come out strongly against the use of violence in labour relations.

"Cosatu condemns violence that has resulted in the deaths of four SATS workers and makes it clear that we have never condoned violence as means of resolving disputes," the statement said.

"If those workers died at the hands of other railway workers we say that that should not have happened.

"Sarhwu has emphatically distanced itself from the events of Tuesday."

□ The Minister of Transport Affairs, Mr Eli Louw, expressed his and the government's abhorrence at the violent death of the SATS workers.

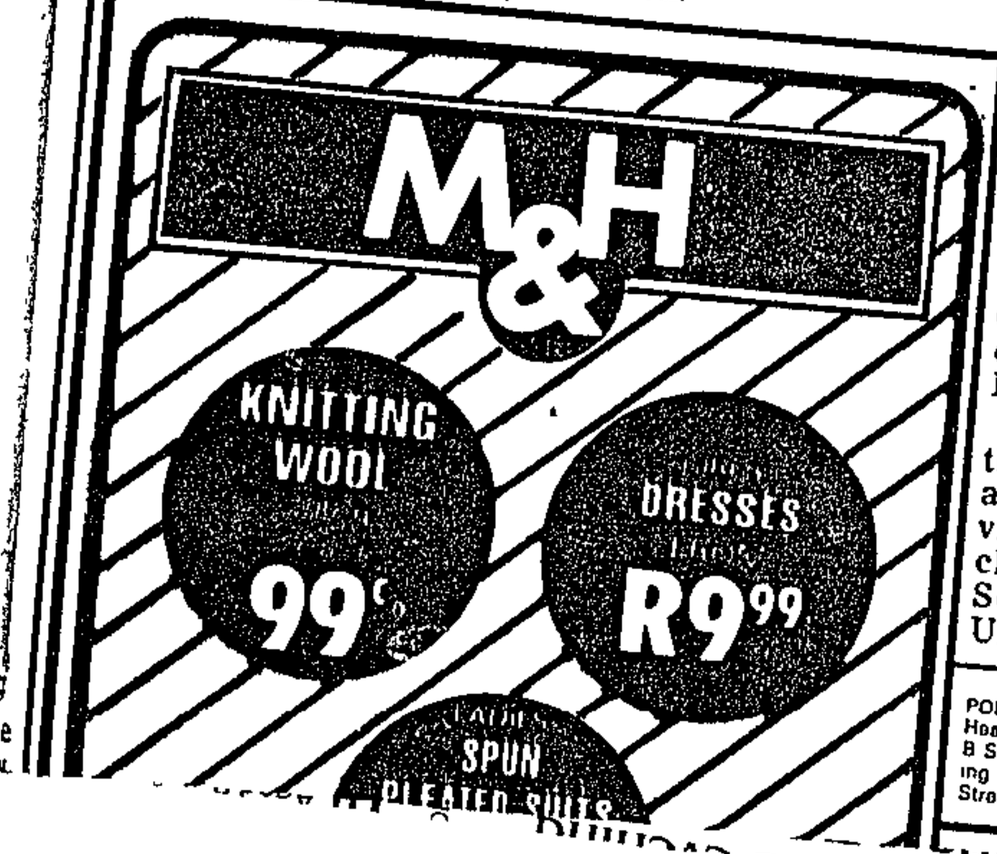
Nactu to celebrate May Day with rally

Labour Reporter

THE newly-formed National Council of Trade Unions (Nactu) — formed from the amalgamation of the Council of Unions of South Africa (Cusa) and the Azanian Confederation of Trade Unions (Azactu) — will celebrate May Day at a rally at 2pm at St Francis Church hall in Langa

Student and community organizations, as well as speakers from the Azanian People's Organization (Azapo) and the Azanian Students' Movement (Azasm), will join the rally

Nactu, which has as its slogan "The future is in the hands of the workers", has as its affiliates in the Western Cape: The African and Allied Workers' Union, the South African Chemical Workers' Union, the National Union of Wine Spirits and Allied Workers, the Transport and Allied Workers' Union, the Electrical and Allied Workers' Trades Union, the Food and Beverage Workers' Union, the Insurance and Assurance Workers' Union of South Africa, the Steel Engineering and Allied Workers' Union of South Africa and the Building, Construction and Allied Workers' Union.



death of the SATS workers.

Assault: Award for women

Staff Reporter

THREE women who laid charges of assault following police action at a May Day rally in Bellville South last year have been awarded a total of R3 100 by the Minister of Law and Order in an out-of-court settlement

Ms Geraldine Kennedy, 23, of Athlone, an organizer for the Paper, Wood and Allied Workers' Union, said she was awarded R1 000 yesterday, after the Minister of Law and Order, Mr Louis le Grange, agreed to settle.

She said Ms Gemma Paine, 32, of Observatory, an organizer for the National Union of Textile Workers, was awarded R1 000 and Ms Cynthia Bernickow, 38, of Athlone awarded R1 100.

Ms Kennedy said the three were injured when action took place at Bellville Civic Hall at the close of the Congress of South African Trade Unions (Cosatu) rally.

POLITICAL comment in this issue by A H Heard, G Q Kling G E Shaw A Johnson and B Streek Posters, headlines and sub editing by D Moyle All of 122 St George's Street Cape Town

Opinions from UCT:

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Stone-throwers, cops 'share blame'

By CHRIS ERASMUS

THE opinions of staff and students on the recent violent events at the University of Cape Town are sharply divided, but most of those spoken to in an informal survey conducted on the campus this week felt that both stone-throwers and police shared the blame

Mr Melvin Goldberg, a lecturer in sociology, said he did not personally witness much of the events of last Friday, Monday and Tuesday, but he did see teargas being fired on the upper campus.

"The police did seem to overreact, from what I could see. They seemed a bit nervy and perhaps should be under better control.

"One cannot support the stone-throwing — it's counter-productive. But I think the students showed a lot of discipline on Tuesday (when there was no stone-throwing)."

Miss Michelle Pomario, a first-year pharmacy student, also said she had missed most of the action, but thought the police "have been going a bit wild".

"On the other hand, the boycott of lectures is a bit pointless, as it only harms those students who miss them — though if everyone boycotted lectures, that might be different.

"Most of us are here for one reason — to learn. So it's a bit irritating when people come into lectures and interrupt us to ask us to join the boycott.

"From what I have seen and heard of the rioting, it seems that most of those bashed have been relatively innocent and I think that's wrong."



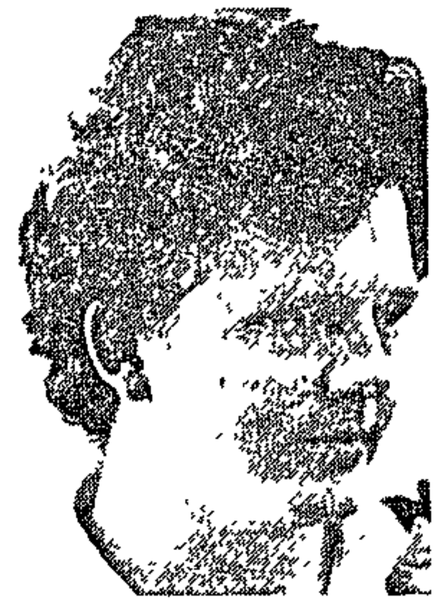
Sharief Abrahams



Alex Schuilenburg



Kerryn Grogan



Michael Gunning



Perry Fagan



Melvin Goldberg



Michelle Pomario

Mr Alex Schuilenburg, an honours student in computer science, said he could not really pass any comment on the demonstrations as "I haven't got much time for any political involvement — there's just too much work to do".

Mr Michael Gunning, another post-graduate computer-science student, agreed with him, saying he had paid R2 000 for the privilege of studying this year "and I can't waste time throwing stones".

Ms Kerryn Grogan, a first-year architecture student, had stronger views, however "I think the students' protest activity has been justified for the most part, while the police action has been largely unjustified. I was here on Monday and I think the firing of teargas was unnecessary — it's just as ridiculous as people throwing stones on De Waal Drive"

Mr Sharief Abrahams, a first-year BA student, also thought the police action on the campus was unjustified.

"I don't think it was right for the students to throw stones, but the police shouldn't have come up here in the first place and I don't see how they got permission to come on to campus."

Mr Perry Fagan, another first-year BA student, said students had a democratic right to protest against things they thought were wrong

"We have a moral right to such protest and to air our views. This government claims to be democratic, so why does it not grant us our rights?

"The invasion of our campus is just another proof that this government will try to clamp down on our views and opinions whenever they are seen to be an inconvenience.

"We are supposed to be society's privileged since we have a chance to be educated at university — and that is true But we have also realized that we cannot be satisfied with that alone — change has to come about throughout the whole of our society"

(Report by C Erasmus 122 St George s Street Cape Town)

ABC-TV men freed on R500 bail each

Staff Reporter

TWO American Broadcasting Corporation (ABC) journalists arrested at the University of the Western Cape (UWC) on Thursday were released on R500 bail each yesterday while charges against them under the emergency regulations are investigated.

The two men, cameraman Mr Henry Bautista, 33, of Johannesburg, and soundman Mr Willem Pretorius, 36, of Gardens, appeared before Bellville magistrate Mr D H Cronje yesterday on an urgent bail application.

The application was not opposed by prosecutor Mr B R Buys.

Mr Gordon Rushton, who represented the two men, said charges under regulation 2 (1) (relating to being present at the scene of unrest or security action) and regulation 4 (1) (relating to taking photographs of unrest or security action) were being investigated.

The men also face a charge of attending an illegal gathering.

The newsmen were arrested at UWC following a May Day rally.

The docket will be sent to the Attorney-General, who will decide whether to prosecute.

Mr Bautista and Mr Pretorius are to appear in court on Monday.

Their release after spending a night in the Bellville police cells followed a protest by ABC president Mr Roone Arledge to US Secretary of State Mr George Shultz.

□ Six UWC students who were arrested on campus on Thursday also appeared before Mr Cronje yesterday and were all released on R150 bail each.

The six, Mr Sindile Gocini, 22, Mr Trevor Davids, 19, Mr Gavin Brandt, 20, Mr Thamsanqa Cubungu, 18, Mr Nkosinathi Gulwa, 19, and Mr Mario Cader, were warned to appear on Monday.

Six UWC students granted bail

Court Reporter

SIX University of the Western Cape students appeared in Bellville Magistrate's Court yesterday in connection with attending an illegal gathering.

They were granted R150 bail each.

They are Mr Trevor Davids, 21, of Belhar; Mr Gavin Brand, 22, of Uitsig; Mr Sindile Gocini, 20, and Mr Thamsenga Tubungu, 20, both of Guguletu; Mr Nkosinaphia Guka, 20, of Langa; and Mr Mario Cader, 20, of Bellville South.

The six were arrested on campus on Thursday.

The hearing was adjourned to June 8.

Mr A G du Plessis was the magistrate. Miss A Coetze prosecuted. Mr J van den Berg appeared for the six.

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Editor contravened Police Act — R100 fine suspended

Staff Reporter

THE editor of the Oudtshoorn community newspaper Saamstaan was negligent in relying solely on the version of a single eyewitness for his story about an incident in June 1985 when police shot and killed two youths in Bongolethu township.

Humphrey Joseph, 30, was yesterday fined R100 (or 25 days), conditionally suspended for three years, by a Mitchell's Plain Regional Court magistrate after being convicted of contravening the Police Act by publishing untrue statements about police action.

It was established as common cause that Joseph wrote a report based on the account of Mr Norman Mooi, who was originally a co-accused.

The report, under the headline, "Children cruelly shot dead", incorrectly said three — instead of two — youths were shot dead by policemen guarding a house.

Further allegations, based on Mr Mooi's account and denied by the police, were that police bragged about their marksmanship and placed a container of petrol near the dead boys.

Magistrate Mr J D Beyers said there was no doubt there were untruths about police action in the story.

"The accused says he didn't check the story with the police because they would have denied it," he added.

"The question then arises as to whether there were reasonable grounds to believe that Mr Mooi's story was true.

"The accused's action was contrary to what could have been expected of a reasonable man in that position.

"There was a very serious accusation levelled at the police in this newspaper."

PRESSURE

Mr Beyers said Joseph must have been aware that more people saw the incident and that he could have got information from them.

"It is expected that he should have done more to convince himself that the accusations were correct. There were not enough grounds to have believed Mr Mooi."

Mr Denzil Potgieter, for Joseph, said in mitigation that Joseph was working under pressure of time.

Mr S C O'Brien prosecuted.



Picture: PETER STANFORD, The Argus

University of Cape Town vice-chancellor Dr Stuart Saunders addresses students in the foyer of Bremner Building, scene of the sit-in.

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Students urged to cancel march

Education Reporter

DR Stuart Saunders, vice-chancellor and principal of the University of Cape Town, has urged students to call off a march planned for tomorrow.

Dr Saunders told students the university did not want students or staff to be injured in clashes with police.

In a Press statement today he said the general purposes committee of the university's senate had considered student calls for the administration to take part in a votes-for-all campaign march tomorrow.

Dr Saunders said the committee sympathised with this call but opposed tomorrow's march because "it believes that the march would be dangerous and the wrong response".

He said the police had told him they would not permit the march to go ahead and would use force to break it up. The committee took the police threats seriously, Dr Saunders said.

Influence

He said: "Force has been used on the campus by police in the past 10 days. A march on Wednesday could result in serious injury to students. For this reason the GPC believes that a march would be a wrong response."

Dr Saunders said he would not to take part in the march because his presence could influence others to take part.

He said lectures scheduled for today and tomorrow would not be cancelled but employees who stayed away from work would be paid in full.

He said he had urged heads of departments and lecturers to repeat lectures or supply additional notes to students who had missed lectures.

From Johannesburg, the Argus Correspondent reports that Witwatersrand University is likely to be closed officially on election day. The university senate decided yesterday to recommend to the university council that the campus be closed tomorrow.

"Threw stones"

The decision was taken after police and students clashed on the campus yesterday. About 120 students were arrested and at least two taken to hospital.

Police said they were forced to act after students attending an illegal gathering, which was to have been addressed by Mrs Winnie Mandela, threw stones at them. Students said they had gathered peacefully.

The decision of the senate will be put to the university council today.

Students were arrested on campus when a lunchtime meeting attended by about 3 000 was declared an illegal gathering. Some students were whipped as the arrests took place.

● The University of the Western Cape has suspended lectures today and tomorrow. Rector Professor Jakes Gerwel said yesterday the university had decided to act "in solidarity with democratic forces".

UCT students sit-in, present demands

CAPE Times 5/5/87



SIT-IN . . . The Vice-Chancellor of UCT, Dr Stuart Saunders talks to students during a sit-in at the Bremner administration building yesterday.

Staff Reporters

ABOUT 60 University of Cape Town students staged a sit-in in the foyer of UCT's Bremner Building yesterday, presenting a list of demands to the vice-chancellor, Dr Stuart Saunders.

One item on the list demanded that the UCT administration take part in a South African National Students' Congress/National Union of South African Students march tomorrow as part of the "Votes for All" campaign.

Other demands were that: All lectures today and tomorrow be cancelled, lectures be repeated (on another date); students participating in the march will not be victimized, the administration negotiate with the security police for the release of detained UCT students, and all charges against UCT students be dropped.

"I do not understand why you are here. We support the call for one person, one vote in a single South Africa," said Dr Saunders, warning the students they would put themselves at risk if they marched tomorrow.

He told students he had spoken to "the most reasonable of all the senior police officers, and their patience is at an end".

The sit-in ended yesterday afternoon after the deputy vice-chancellor, Professor James Leatt, told students the university would reply — only to a student delegation — to their demands at 9am today.

Many UCT students did not attend lectures yesterday, but instead participated in alternative education programmes.

Dr Saunders said in a statement that all lectures, tests and classes would continue as usual and urged department heads to assist students who missed tests or assignments between April 24 and May 6 and to ensure this does not count against them when final work assessments are made

He said UCT employees who did not report for work today or tomorrow would not be penalized.

He said that a special meeting of the Senate's General Purposes Committee yesterday was "wholly opposed to the march planned for Wednesday, because it believes that the march would be dangerous and the wrong response"

Dr Saunders added: "I have also for the same reasons (as Senate) decided not to take part in the march It is my considered view that my participation might lead others to believe that their participation would not be dangerous, when I firmly believe it would be just that

"The Committee believes the march would be dangerous because the police have made it repeatedly clear to me that they will not only not permit a march, but that they will break up any march, using force if necessary."

□ Hundreds of UCT students yesterday commemorated the "Kassinga Massacre" at a lunchtime meeting called by the Namibia National Students Organization

□ UWC rector Prof Jakes Gerwel said yesterday that the university would be closed today and tomorrow.

In a statement, he said: "Given the sectarian nature of the coming white elections and from a commitment to the establishment of a democratic, non-racial South Africa, the University of the Western Cape has decided to act in solidarity with democratic forces by formally closing for Tuesday and Wednesday (May 5 and 6)."

□ Pupils at Bonteheuwel High held a placard demonstration and marched in the school grounds yesterday morning while a large number of pupils at several Mitchells Plain high schools stayed away from classes.

A student leader said the SRC at Bonteheuwel had decided to hold a placard demonstration at 11am to protest against the coming elections.

The two other high schools in Bonteheuwel — Arcadia and Modderdam — appeared deserted. Mr Thinus Dempsey, a Department of Education and Culture spokesman, said many Mitchells Plain schools were closed early.

Policeman, youth plead not guilty

Own Correspondent

PORT ELIZABETH. — Five members of the SA Police and a 17-year-old youth pleaded not guilty in the Regional Court here yesterday to charges ranging from theft and assault with intent to do grievous bodily harm to culpable homicide.

Before Mr A W Meiring were Mr Raymond Mziwakhe Albia, 39; Mr Mokete Daniel Thagani, 23; Mr Sello Abraham Rantsieng, 29; Mr Andile Zazini, 22; Mr Sidwell Dumisani Mkhize, 22, and the 17-year-old youth.

They are charged with 20 counts of assault with intent to do grievous bodily harm, five counts of malicious damage to property, one count of theft, and culpable homicide for the killing of a Mr Fundile.

The State alleged that the offences were committed in Soweto and Zwide on the night of September 8, 1985.

Mr Phillip Komani told the court he was sleeping at his home when he was awakened by men who entered the house. One of the men hit him on his head and neck It was dark in the house and he could not recognize his attackers

He heard shots outside, but because he was afraid, he did not go out to investigate. Later he went to the bed where Mr Fundile was lying and saw that he was dead.

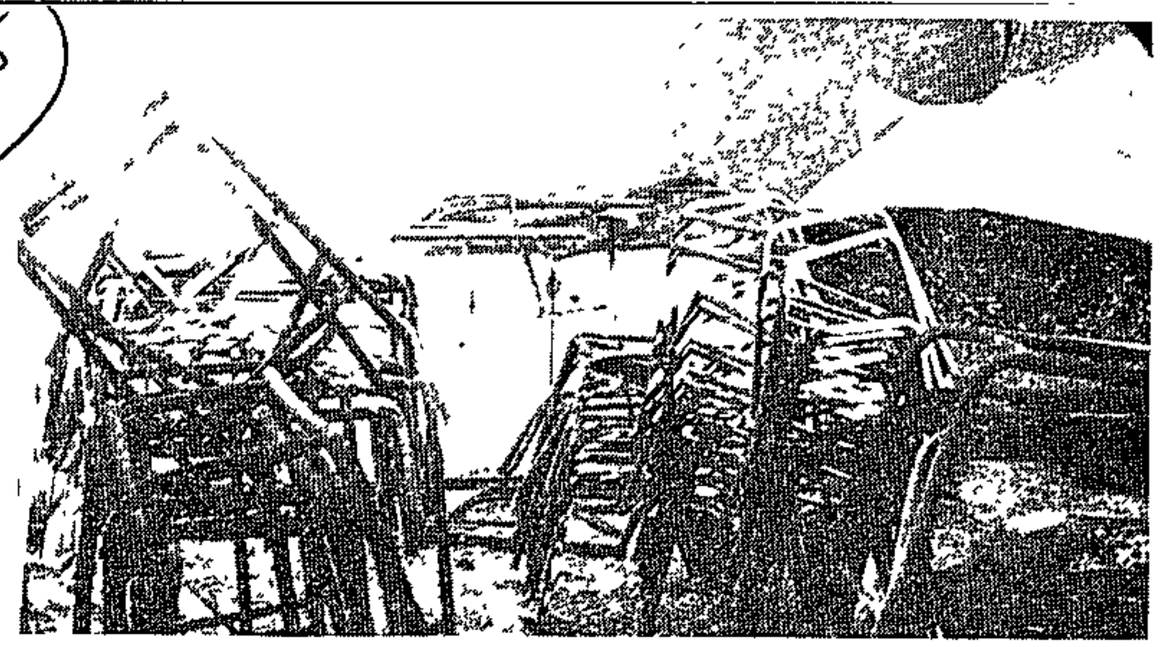
Mr Major Vumile Magopeni of Maya Street, Zwide, said he was asleep at his home when he was awakened by a knock on his front door. A group of men entered the house. He recognized Mr Thagani and Mr Rantsieng, because they did guard duty at Mr Zazini's house.

Mr Thagani hit him with a pick-handle and Mr Rantsieng slapped him.

The case continues today



Some of the burnt-out classrooms at Fezeka High



A pile of burnt desks in a damaged classroom at Fezeka

Row brews over state of schools

By VUYO BAVUMA and SIZWE ZONDANI

A CONFRONTATION is looming between pupils at high schools in Peninsula townships and the authorities over book shortages and overcrowded classrooms.

Some classes in at least three schools need repairs.

So far two schools, Fezeka and ID Mkize, have staged a one-day stayaway in protest against conditions.

ID Mkize pupils claimed that more than 160 matriculants were without history textbooks.

"At the beginning of the year the authorities promised us everything but now nothing is forthcoming. We have only two history textbooks which were donated by a bookshop. As the history syllabus has been changed, we are worried that we may not be able to catch up," a SRC member said.

She also claimed that window panes and doors were broken in most classes and there were no lights in the school,.

Last Friday, students demonstrated in the school grounds against conditions.

Pupils at other schools said the overcrowding was due to the authorities moving Std 6 (Form One) pupils from higher primary schools to high schools.

"No additional classes were built to accommodate this intake from the higher primary schools. Consequently, we are now crowded in the classrooms," a pupil said.

At Fezeka, where at least three classrooms needed repairs, up to 50 pupils were accommodated in a single classroom.

One pupil said some teachers had difficulty "coping with the large number of pupils".

"In some classes teachers divided pupils into teams and corrected the written work of only the group leaders. The rest of the pupils were then expected to correct their own work using the corrected work of their group leaders as a guide.

At Langa High a "platoon" system was used to cope with the overcrowding until recently when new classes were built Some classes, however, still doubled up.

A Langa High teacher said the school had admitted "as many pupils as possible".

"We decided to give every pupil who applied a chance to get an education We did not want them to loiter around," he said.

The authorities should build a junior secondary school for pupils who were transferred from the higher primary schools, he said.

tative Council.

"For the Std 6 pupils there are not enough English, physical science and biology teachers The book shortage was only redressed last month.

"The doors and window panes are broken When we appealed to the authorities to repair them, we were told the pupils were to blame," the SRC member said.

At New Crossroads High School pupils claimed that they bought their own stationery when the department's supply ended.

The regional inspector of the Department of Education and Training, Mr J Scheepers, refused to comment

SOUTH made several attempts to obtain comment from the deputy regional director in Port Elizabeth, Mr P du Toit. Telexes sent to his office were acknowledged but remained unanswered at the time of going to press.

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LEFT: The chairman of the National Union of South African Students at the University of Stellenbosch, Mr Philip Verster, yesterday told UCT students that "a vote cast for any party was a vote in favour of the National Party" and urged students to "address the real issues" at the "One Person, One Vote in a Unitary South Africa" rally on campus yesterday. **RIGHT:** UCT students poured out of the Jameson Hall yesterday after resolving to inform others attending lectures that the student body had called for the closure of the university today. Picture: RICHARD BELL

Cape Times 6/5/87

Baxter shows called off in election protest

By MARIANNE THAMM and YAZEED FAKIER

HALF-AN-HOUR before the scheduled start of last night's Baxter productions of "District Six: The Musical" and "You Strike the Woman, You Strike the Rock", about 30 UCT students persuaded the casts to cancel the shows.

Tonight's shows have also been cancelled.

The students, who with the casts addressed audiences already seated for the shows, argued that the productions should be cancelled to comply with the national stayaway over the whites-only election today.

"At first people were very cross — then the atmosphere swung around," theatregoer Mr Thomas Kneymeyer said last night.

District Six star Soli Philander had said from the stage that he had not been aware the stayaway had applied to the performers.

"The audience seemed to be split 50-50," Mr Kneymeyer said. "Then one of the audience said that even if the play went ahead, he did not feel he could stay 'because you risked your lives to come and perform'."

This sentiment was supported by the audience and was warmly applauded by the cast. The audience then filed out of the theatre.

The group of students also spoke to "You Strike the Woman" director Phyllis Klotz and cast members about cancelling the show.

Baxter director Mr John Slemon and publicity manager Mrs Yvonne Williams-Short were called backstage to discuss the problem. It was then decided to put the question to the audience who were already seated in the studio, and they unanimously decided that the show be cancelled.

Mr Slemon said that Baxter staff had not been victimized or threatened and he had heard about the stayaway only at 7.30pm.

Mr Slemon assured the audience that his staff and crew would be fully paid and that patrons would be refunded.

(Report by M Thamm and Y Fakier, 122 St George's St, CT).

Teargas fired into cripple's bedroom

CAPE TIMES 6/5/87 279

Staff Reporters

A TEARGAS canister was yesterday fired through the front window of a house at KTC squatter camp where a 47-year-old crippled woman, Mrs Angelina Peta, was sitting on her bed.

Mrs Peta said she had to crawl out of the house.

Later at KTC seven policemen, including a Warrant Officer B Barnard, patrolled on foot, armed with pistols and shotguns.

W/O Barnard told PFP MP Mr Jan van Eck that police would not shoot at people unless their lives were endangered.

Stones were thrown at passing police Casspirs and SADF Buffels.

Later at a house in New Crossroads where a Cape Times reporter and Mr Van Eck were speaking to residents, police arrived and told the reporter to leave the area.

Three armed policemen then entered the house and walked around the property. Two SADF buffels were parked on a field about 20 metres away.

In a telexed reply, a police spokesman in Pretoria said last night: "If any person should have reason to believe that any action by the police was illegal, affidavits can be submitted for investigation."

Earlier the Bureau for Information reported that police were stoned in Nyanga and that two petrol bombs were thrown at SAP vehicles and "people were dispersed with buckshot".

□ An "unidentified explosive device" blew a hole in the ground next to the railway line on the Cape Flats between Netreg and Heideveld at 1.50am yesterday and two petrol bombs were thrown at the Bonteheuwel home of a policewoman, causing minimal damage, the bureau reported.

□ **Mine blast kills one — Page 2**

AK645 6/5/87

Three held after car burnt

Staff Reporter

THREE youths were arrested in connection with the burning of a car in Khayelitsha, the Bureau for Information said today.

The bureau said the incident happened about 3.30pm yesterday when about 50 people attacked the car.

A full statement on the security situation would be released later today, the spokesman added.

Roadblocks at city townships; body found

CAPE Times 7/5/87 375

Staff Reporters

SECTIONS of black city townships were sealed off for most of yesterday and journalists were refused entry but reports of "heavy stone-throwing" in Khayelitsha filtered through and there were disturbances in Athlone.

In Mitchells Plain, the badly burnt body of a man aged between 25 and 30 was found in bushes 40m from Westpoint Lane in Westridge Park.

The Bureau for Information said the body was discovered by two men chopping wood. A petrol container was found near the body.

A police spokesman said yesterday that police had opened a murder docket and thought the killing was unrest-related

From 8am, roadblocks manned mainly by kitskonstabels were set up at township entrances in the Guguletu/Nyanga/New Crossroads/KTC area. Armed police patrolled the whole area.

Taxis were running early in the morning but both taxis and buses vanished from the streets about 9.30am. Taxis reappeared in the late afternoon but no buses were seen.

Towards evening roadblocks manned by armed squads of about a dozen kitskonstabels stopped traffic at all but the Lansdowne Road entrances to Guguletu and Nyanga.

A kitskonstabel unable to speak English told journalists at a roadblock on Klipfontein Road near the Duinefontein Road intersection: "Jy moenie ingaan nie. Hulle vang mense daar binne." (You mustn't go in. They are catching people in there).

At least five armed kitskonstabels patrolled the platform at Nyanga station late yesterday afternoon.

Just after 8am three or four shots were fired in KTC. People in the area said they did not know what was going on and knew of no one hurt or arrested.

A large trench — about four metres long, one metre deep and one metre wide — cut through the only street running between shacks in one part of Guguletu yesterday. The trench was filled with water and residents said it had been dug by unknown persons during the night to "catch a Casspir".

At Site A and Site B in Khayelitsha heavy stone-throwing at buses and other vehicles was reported by bystanders while in New Crossroads residents told of sjamboks being used to chase children off the streets.

A police helicopter circled the area from time to time.

In Athlone, at least five journalists and a 12-year-old boy were arrested at or near Alexander Sinton Senior Secondary School yesterday morning after Western Cape Teachers' Union plans to hold a rally at the school were frustrated by locked gates.

About 40 schoolchildren decided to march to nearby Belgravia High and some picked up tyres and threw stones at buses along the way.

The small crowd scattered when police arrived but freelance photographer Mr Gideon Mendel, Reuters photographer Mr Guy Tillim, the 12-year-old boy and another journalist were arrested.

They were released after about an hour in the Athlone police station cells.

Freelance photographer Mr Mike Hutchings was arrested a block away from the school. Police took him to his home, which they searched and video-taped before releasing him.

In Belgravia Road just after 1pm, youths stopped a small truck carrying four large tyres and asked the driver for the cargo, which they strung across the road and set alight.

Police arrived about five minutes later and broke up the barricade, using a garden hose from a nearby house to put out the flames.

Three petrol bombs were found yesterday in a classroom at the Hottentots Holland High School in Somerset West — part of the Helderberg constituency.

School principal Mr M J van Vuuren said the petrol bombs were found at 7.30am when the school opened. All three had ignited but "very little damage was caused".

A police spokesman asked for comment referred the Cape Times to the Bureau for Information.

A Bureau employee said she did not have information on one quarter of the incidents and said the Cape Times should refer to either the Media Centre in Pretoria — "an inter-departmental liaison centre set up in December last year" after emergency regulations restricting the press were gazetted — or its own lawyers.

The police spokesman then gave the Cape Times the following statement: "Isolated incidents of stone-throwing and attacks on private and police vehicles occurred during the day. Because it's a police task to prevent innocent people from getting hurt, police put up roadblocks to control ingoing traffic. To allege that the townships were sealed off is misleading."



ATHLONE YESTERDAY . . . Youths in Belgravia Road.

Train arson reaches city

Staff Reporter

A RAILWAY carriage of a Cape Town train bound for the Strand was set on fire on Wednesday.

The train had been on its way to the Strand when a fire was discovered shortly after five men left the carriage at Kentemade station at 10.35am, a spokesman for the Bureau for Information said.

The fire was extinguished soon afterwards and the carriage placed on a sideline at Acacia Park.

Meanwhile, youths set tyres alight in Belgravia Road, Athlone, yesterday afternoon and a few stones were thrown at passing commercial vehicles.

Police responded to the unrest after 30 minutes but by late yesterday it was not known if any arrests had been made.

Three people found with petrol bombs in Athlone were arrested.

This was according to the bureau's unrest report for the 24-hour period ending at midnight on Wednesday.

Two men were arrested at KTC while digging a trench in the road (**see picture on page 9**), the report said.

Also at KTC a man was arrested when a group of about 200 people petrol-bombed a police vehicle.

Seventeen people, including three security force members and a civilian, were injured and 37 arrests made around the country, the bureau said.

A security force member was wounded in the thigh in Alexandra on the East Rand "when an unknown person fired at on-duty members" of the force from a field.

At Zululand University, Empangeni, in Northern Natal, a policeman was slightly injured by glass fragments when students demonstrating with anti-election placards stoned the police.

The group was dispersed with batons and 12 students were arrested.

A policeman was slightly injured when a group of about 30 people stoned a police vehicle in Edendale, KwaZulu.

Police used teargas and birdshot to disperse the crowd.

At Ezakeni, Ladysmith, a white man was slightly injured "when a group of about 50 threw stones at his vehicle", the report said.

In four separate incidents at Ezakeni groups ransacked shops and set them alight. Damage amounted to about R162 000.

About 100 pupils of the Mphanama Secondary School in Mhluzi near Middelburg in the Transvaal stoned passing vehicles. — Sapa

CHG Times 9/5/87 278

Pupils arrested at Athlone school

By CLARE HARPER

AT LEAST eight people were arrested at Cathkin High School, Athlone, yesterday during the fourth day of continuing unrest on the Cape Flats.

Last night a spokesman for the Bureau for Information said police were adamant that only eight people had been arrested, contrary to claims by teachers that 12 people had been taken into custody following disturbances at the school. No names of the arrested were given by the authorities.

Police also totally denied allegations from teachers that sjamboks had been used against the pupils.

A youth was taken by friends to hospital where he received six stitches for a head wound following police action at the school.

The principal, Mr H P Joubert, said police entered the school grounds and sjambokked pupils yesterday morning after he closed the school when it appeared pupils would not attend classes.

Mr Joubert said that among the six boys and six girls believed arrested were: Janine van der Ross, 17, Jennifer Pietersen, 17, Gwen Beyers, 18, Chantelle Hendriks, 17, Amelia Fagan, 17, Karen Barthus, 16, Sedick Hill, 18, Michael Bester, Eric Manyale, 18, Samuel Lee, 17, and Louis Ross, 21.

Teachers said passersby and at least one parent who arrived at the school to collect her children were "taken away".

A teacher, returning from the police station where the pupils were held, said he was told the boys would be detained under the emergency regulations.

The bureau spokesman said that according to police: "What happened there is that the police asked the headmaster for the names of instigators attempting to prohibit attendance of classes by pupils ...

"Eight people were arrested. There was no action with sjamboks at all. However, at 10.39 a group of children stormed a police vehicle and stoned it. A round of birdshot was fired into the air and the children fled.

"At 10.45 children stoned a private lorry and again a round of birdshot was fired into the air and the group dispersed. Police absolutely deny that they used sjamboks at any stage during the incident."

City pupils sjambokked by police, says teacher

w/e Aug 9/5/87

275

Weekend Argus Reporter

PUPILS were injured and at least 13 people were arrested at Cathkin High School in Heideveld when police entered the school grounds after claiming pupils had been throwing stones, according to the principal, Mr Peter Joubert.

He said the pupils were dismissed at 10.30am yesterday after taking part in a sit-in to protest against events at the school on Thursday when tearsmoke was fired in the grounds and pupils were sjambokked after a school inspector's car was taken from the school grounds and gutted.

A teacher said Mr Joubert had told all the students to leave, after which the school gates were locked.

"A few minutes later about 20 students came rushing into the grounds, chased by the police who were whipping them with sjamboks," the teacher said.

"The police said the students were throwing stones, but none of the teachers at the school saw any stones being thrown."

Mr Joubert said one of the 13 arrested was a parent from Heideveld.

He said many pupils were beaten "quite badly" and were taken to hospital by police. Staff were still trying to determine which hospital.

● Captain Jan Calitz, a police liaison officer, said that after school books were burnt at Cathkin High School in Fifth Avenue, Heideveld, and after stones were thrown at passing police and privately owned vehicles, police entered the school premises.

He said 13 people were detained for questioning and that by mid-afternoon eight were still being held.

Of these five were pupils

Letters

ARGUS 11/5/87

WRITE TO: The Editor, The Argus,
PO Box 56, CAPE TOWN, 8000

'Police presence provoked students'

IT was with both interest and despair that I read the letters in response to "violence" at UCT (The Argus, May 6).

From the tone of the letters, it seemed that the blame was placed entirely upon a "violent minority" of students. But have the writers of these letters stopped for one minute to consider the nature of the demonstrations?

Students at UCT began to physically express themselves politically in 1985 by holding pickets on De Waal Drive.

This entailed the display of placards with written political messages to express their individual views on South Africa's present situation.

In response to this, the South African Police made their presence felt by lining themselves opposite the students with their sjamboks in one hand and beating with the other.

The point is this: Admittedly some students did throw stones, but had the police not turned up and made their presence felt, aggressively, would the demonstration have turned violent?

R Pentecost stressed in his/her letter that "the purpose of a student is to study".

To use a rhetorical example, could you have told a student at an American university during the Vitenam war to concentrate only on his studies and not to demonstrate against US involvement in Vitenam when it was the student who would have to go and fight in Vitenam? No.

Then how can you tell politically aware students not to demonstrate against the injustices of the state when it is against them that these injustices are aimed? Here I refer specifically to the black students (though if certain white students feel solidarity with them, that is their freedom of choice).

The sole aim of student demonstrations, to the best of my knowledge, is to express their views to a basically ignorant society.

I strongly believe that these demonstrations would have remained entirely peaceful were it not for the forceful police presence.

It is state repression that is violent; not student expression.

POLITICALLY AWARE
Pinelands

WWGS 12/5/87 27

Court told of teargas ordeal

Staff Reporter

TWO people who are suing the Minister of Law and Order for damages told Wynberg Civil Court they coughed and fell when police fired teargas at a Cosatu May Day rally at the Zolani Centre in Nyanga last year

Mrs Zora Mehlomakhulu is claiming R500 and Mr Rodrigo Nunes, co-ordinator of the Movement of Christian Workers, R200 over the ill-effects of teargas and for loss of human dignity.

Mrs Mehlomakhulu said yesterday she felt as if she was dying when she succumbed to teargas fumes inside the centre.

She said: "About 5pm, after the rally, members of the audience were asked to leave in an orderly manner. Suddenly there was a blow which came through the front door.

"People started screaming and rushed for the back door.

"I am an asthma sufferer and my chest closed. People tried to drag me to the door but they were in a bad way and couldn't help much.

"Then someone washed my face under a tap outside.

"We moved off between the houses but a Casspir followed firing more teargas."

Mr Nunes said the teargas inside the hall was like a thick fog.

"I was coughing and disorientated. I was just trying to stay conscious.

He said he had symptoms similar to those of flu for more than a day after the rally.

Photographs taken by Cape Times journalist Tony Weaver, showing scattered chairs inside the centre after the audience had fled, were handed in as exhibits.

Mr Weaver said there were about 1 000 people in the hall and about 1 000 more in three distinct groups outside.

The smallest group, about 200 youths, were dancing, or *toi-toiing*, in the street outside.

RELAXED

There were armed soldiers and policemen outside, as well as parked Buffels and Casspirs.

He said: "There seemed to be a fairly relaxed atmosphere.

"Then, when one of the police vehicles moved, a single stone was thrown at it.

"Immediately the security forces took up a position, some standing and some kneeling.

"An order for the crowd to disperse was given. About two minutes later police fired five or six teargas canisters at the youths in the street."

Then, he said, police fired the largest volume of teargas he had seen towards Zolani Centre.

He said between 30 and 40 teargas canisters could have been fired in the next 20 minutes.

"People were streaming out of the hall. Pandemonium reigned.

The hearing was postponed to May 25.

ng girl in a police vehicle
ls," he said.

Court told of Zolani gassing

Court Reporter

THE disruption by teargas last year of a May Day rally at Zolani Centre in Nyanga East was described in the Wynberg Civil Court yesterday.

Mr Rodrigo Nunes and Mrs Zora Mehlomakhulu are suing the Minister of Law and Order for R200 and R500 respectively for damages and for humiliation caused at the meeting.

Mrs Mehlomakhulu said she had heard a blast through the door near the stage where she was sitting. People rushed to the back door as police were in the front.

Mr Tony Weaver, deputy news editor of the Cape Times, said he had been assigned to cover the rally. He had been positioned on a chair against a tree between the security forces outside and the hall to take photographs.

There were about 400 people at the terminus opposite the hall, about 300 to 400 in the grounds of the hall and about 200 youths singing and dancing in the streets.

Mr Weaver said he saw a stone being thrown at one of the Casspirs. It came from the direction of the group at the terminus.

Soon after, the police gave an order to disperse and then fired about five to six teargas canisters at the youths in the street.

After the first volley of teargas about 30 to 40 canisters were fired directly at the hall and landed on all sides of it.

The hearing was adjourned to May 25.

Mr W Schagen was the magistrate Mr D Potgieter, instructed by Legal Resources, appeared for Mr Nunes and Mrs Mehlomakhulu Mr B Griesl, instructed by the State Attorney, appeared for the Minister of Law and Order

Too late for classification

FOUND

St BERNARD, male, young in Newlands area Phone a/h 024-562006

ARGUS 13/5/87 (375) (880)

METROPOLITAN

Driver tells of shot, bid to set bus alight

Supreme Court Reporter

AN Oudtshoorn bus driver told the Supreme Court that a young man jumped on to his bus, shouted to the passengers who fled in panic, and then sprinkled petrol in the bus.

Mr Philip Strydom testified yesterday in the trial of Mr Jerome Myo, 26, and two 17-year-old youths charged with murdering a bus inspector and of attempted malicious damage to property.

Mr Myo pleaded not guilty to murder but guilty to attempted damage to property.

One youth pleaded not guilty to both charges and the other guilty to culpable homicide and attempted damage to property.

Bottle of petrol

The State alleged that on April 15 last year the three went to a bus stop in Bongulethu to set a South Cape Bus Service Company bus alight.

It is alleged that one of the youths carried a bottle of petrol.

Two inspectors in a bakkie were following the bus to ensure that loading of passengers went smoothly.

It is alleged that one of the youths shot Mr Willem Blaauw, one of the inspectors. He was dead on arrival at Oudtshoorn Hospital.

It is also alleged that Mr Myo took the bottle of petrol from one of the youths and emptied it in the bus.

In a statement explaining his plea, the youth who is alleged to have shot Mr Blaauw admitted he had intended to set the bus alight.

He said he was trying to keep Mr Blaauw away from the bus.

Firearm went off

He did not think the firearm in his possession was "genuine" and did not intend shooting.

He was distracted by what was going on around the bus when the firearm went off.

Mr Strydom said there were about eight people waiting at the bus stop when he drove up.

Mr Strydom was aware that the inspectors' bakkie had been following the bus and had stopped alongside.

This happened routinely in "times of unrest", he said.

"Heard a shot"

"I heard a shot and saw the bakkie drive off at high speed.

"A young Bantu man entered the bus, carrying a container inside a plastic bag. He was wearing an LTA overall and a balaclava."

He shouted to the passengers, who ran out in a panic.

He then sprinkled petrol in the bus, Mr Strydom said.

"After I smelt petrol I put the bus in gear and drove off.

"He jumped out while it (the bus) was in first gear," he said.

(Proceeding)

Mr Justice Williamson is on the Bench with Mr G Titterton and Mr C H van Gend as assessors. Mr A de V la Grange appears for the State, Mr M Donen, instructed by E Moosa and Associates, appears for the three.

Pictures: BRIAN URANOVSKY

Homicide accused fails the tooth test, court hears

Cape Times 13/5/87

By SHAUNA WESTCOTT
Supreme Court Reporter

PEOPLE under 18 do not have wisdom teeth, the Oudtshoorn district surgeon told the Supreme Court yesterday, while giving evidence in the trial of three Bongolethu residents accused of an unrest-related killing.

Two of the accused claim to be under age and the district surgeon, a Dr Barnard, told the court about an "investigation" into the age of accused No 2 he had conducted at the attorney-general's request.

This investigation had been conducted by examining the development of the accused's teeth, the district surgeon said, and his conclusion was that the accused was 19 or 20 years old.

"How trustworthy is this tooth test?" defence counsel asked the doctor.

"Pretty trustworthy. The dentist agreed with me," he replied.

Mr Justice D M Williamson asked the district surgeon how many wisdom teeth the accused had, but the district surgeon did not remember and could not refer to notes because he had not made any.

"On what authority do you say he could not have wisdom teeth at the age of 17?" the Bench asked.

"We just accept that at 18 you get wisdom teeth. It's an average," the district surgeon said.

The accused with a wisdom tooth/teeth has pleaded guilty to culpable homicide, admitting he fired the shot that killed a bus company inspector in April last year. However, he did not think the gun was "genuine" and it went off while he was distracted, he said.

Activity at a bus into which a bottle of petrol was thrown by 26-year-old Mr Jerome Myo had distracted him. Both Mr Myo and the accused with a wisdom tooth/teeth have pleaded guilty to malicious damage to property.

According to the State, the petrol never caught fire. Mr Myo said the bottle had no fuse and he had no matches.

The third accused has pleaded not guilty to both charges, although he admitted having the bottle of petrol in his possession till Mr Myo took it.

The trial continues.

Mr G Titterton and Mr C H van Gend were assessors Mr A de V la Grange prosecuted. Mr M Donen, instructed by E Mohamed, appeared for the accused.

Cape Times 13/5/87

CAPE TIMES
13/5/87
375

Fire: Pupils in court

Court Reporter

FIVE pupils of Bonteheuwel Senior Secondary School appeared in Goodwood Magistrate's Court yesterday in connection with public violence charges.

Mr Haroon Marais, 19, Mr Norman Schippers, 20, Mr Nawaldien Thorpe, 18, and two minors aged 17 were not asked to plead and no formal charges were put to them. They have been in detention for 11 days.

Their appearance follows the burning of a vehicle in Bonteheuwel.

The minors were released into the custody of their parents. The others were each granted R100 bail.

The hearing was adjourned to May 27.

Mr M de Klerk was the magistrate. Mr S Laubscher prosecuted. Mr K Amien appeared for the five.

Cape Times 13/5/87 (275)

Five hurt as six buses stoned

Staff Reporter

FIVE people were injured after six buses — one of them carrying children — were stoned in Guguletu yesterday.

According to a spokesman for the Bureau for Information, three men and two women were hurt and damage to buses in all the incidents was estimated at R6 000. There were no arrests.

Fight at Langa High over sports tour

Cape Times 13/5/87

By CLARE HARPER

CHAOS erupted at Langa High School yesterday morning when members of the school's athletics team returned from their Durban tour and reportedly assaulted other pupils, while a knife-wielding sports master allegedly chased the headmaster.

The headmaster, Mr Duke Ngcukana, said yesterday evening that he was "fine" after "some of the kids came to my rescue" and the police arrived on the scene.

He said that two other pupils, who are members of the school's Student Representative Council, were badly beaten in the fracas and three other teachers attacked.

Mr Ngcukana said classes were dismissed for the day when it became clear the situation was "out of hand".

He said yesterday's conflict followed the participation of the school athletics team and sports master in a Department of Education and Training athletics meeting in Durban last week.

A teacher, who declined to be named, said the majority of pupils were supporters of the "non-racial" South African Council of Sports (Sacos) and opposed to the school's participation in a "multiracial" sporting event.

Mr Ngcukana said the school last week dissociated itself from the tour over dissatisfaction that the DET could find the funds to send children to Durban at great cost, yet there was no furniture in some classrooms and many pupils at schools in the area were without books or stationery.

A police spokesman for the Western Cape, Captain Jan Calitz, said police were not investigating as "no charge has been laid".

Knifing attempt — school inyestigation

Argus 13/5/87

Education Reporter

THE Department of Education and Training is investigating an incident in which a man tried to stab the principal of Langa High School, Mr Duke Ngcukana, at the school yesterday, according to regional director Mr W Staude.

When the man tried knife him Mr Ngcukana fled into a classroom. Pupils barricaded the door to prevent the man from entering.

Mr Ngcukana said he had recovered from his ordeal.

Two members of the Students' Representative Council who were assaulted by the man had been discharged from hospital, Mr Ngcukana said.

The Parent-Teacher-Student Association will meet on Sunday to discuss the incident.

● Police said no charge had been laid.

IKGUS 14/5/87

Constable describes shooting of 'terrorist'

Court Reporter

A POLICE constable told Cape Town Regional Court that during action against suspected terrorists he jumped from a decoy vehicle and as soon as his feet hit the ground he fired at a man he assumed was pulling a pistol from his belt.

Constable Thapelo Johannes Mbelo was giving evidence yesterday in the trial of Cape Times journalist Tony Weaver, who has pleaded not guilty to a charge of making false statements to the BBC about police action against alleged terrorists in Guguletu on March 3 last year.

Under cross-examination by Mr J Gauntlett, for Mr Weaver, Constable Mbelo said he did not see the man pull the weapon from his belt.

He said. "As I jumped from the combi I saw a man looking at me and reaching for his belt. I fired a volley of five shots and as I reached the back wheel he fell to the ground."

Mr Gauntlett: You began shooting immediately your feet hit the ground?

SIGNAL

Constable Mbelo· That is so.

Mr Gauntlett: At no stage had the man suceeded in getting the weapon from his belt?

Constable Mbelo: Correct.

Mr Gauntlett: There is evidence a man was trying to signal surrender by raising his hands in the air.

Constable Mbelo: I did not see this.

Mr Gauntlett: The incident happened very quickly, not so? A person can make a mistake and misinterpret a movement?

Constable Mbelo. Yes.

The constable denied he started shooting instinctively and that the man was trying to surrender.

Mr Gauntlett asked him why he said in a signed statement to the investigating officer, Major Fanie Brits, soon after the incident that the man pulled a weapon from his belt.

Constable Mbelo replied that his Afrikaans was not very good and when he read the statement over he missed that mistake

The hearing continues.

Major: Witness said he saw man surrender

Cape Times 14/5/87

Court Reporter

A POLICEMAN told the Regional Court yesterday that a witness who said he had seen one of seven alleged ANC guerillas being gunned down by police, had told him the man had raised his hands in surrender shortly before being shot.

The investigating officer in the matter, Major Stephanus Brits, of the murder and robbery squad was giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who is charged under Section 27 (b) of the Police Act.

The charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the shootout in Guguletu the day before. The State alleges Mr Weaver unlawfully published untrue matter by allegedly claiming that the men had been shot in cold blood.

Bodies lying in road

Maj Brits said yesterday that he arrived at the scene at 8.03am and had seen bodies lying in the road.

He entered the Dairybelle building and inquired at all the rooms overlooking the scene. A Dairybelle employee, Mr General Sibaca, who was "a bit shocked", told him that he had seen a man raise his hands and that the police then shot the man.

Under cross-examination by Mr J Gauntlett, counsel for Mr Weaver, Maj Brits said: "I thought this story strange because it was not what I would expect from police. I would regard such behaviour as abnormal and it would shock me."

Constable Thapelo Mbelo, who was driving a police minibus at the scene of the shootout, said he saw five men "either holding their clothes in front of them or walking with their hands in their pockets" at the intersection of NY1 and NY111.

He drove around the block and then saw one of the men running and firing an AK-47.

He stopped the minibus and climbed out. A man stepped in front of him, lifted his lumberjacket and attempted to pull out a weapon. Const Mbelo then fired five times, killing the man.

Cross-examined by Mr Gauntlett, Const Mbelo said the man had not pulled out a weapon "at any stage". He denied seeing the man lift his hands.

He also denied seeing other police shooting the man after he was on the ground. Const Mbelo admitted overlooking the wording in his statement to Maj Brits, which recorded him saying the man had "pulled the weapon out of his pants".

The hearing continues today.

Mr J M Lemmer was the magistrate Mr S Shrock prosecuted. Mr Gauntlett was instructed by Findlay and Tait.

~~CAPE TIMES 14/5/87~~

Principal speaks

Staff Reporter

THE headmaster of Cathkin High School, Athlone, yesterday issued a statement clarifying events at the school on Friday last week, which led to the arrest of eight pupils.

The Cape Times quoted a spokesman from the Bureau for Information saying that: "What happened there is that the police asked the headmaster for the names of instigators attempting to prohibit attendance of classes by pupils."

Mr H P Joubert said yesterday: "I wish to make it clear I did not give any names to the police. The police visited my office and asked for names, which I refused to give."

Mr Joubert added that the last of the eight arrested pupils was released on Saturday, and that three boys had appeared in court on Monday and were released into the care of their parents.

Argus 15/5/87 270

Newsman quizzed over report on police action

Court Reporter

WITNESSES' accounts of police action against alleged terrorists published by the Cape Times in March last year were extremely serious and, if believed, would amount to murder, the Cape Town Regional Court heard.

Mr Selwyn Shrock, for the State, was cross-examining Cape Times journalist Mr Chris Bateman about three witnesses' accounts of police action in Guguletu in which seven alleged terrorists were shot dead.

Mr Bateman's report published on March 4 was the basis for a report by colleague Mr Tony Weaver to the BBC.

Mr Weaver has pleaded not guilty to a charge of making false statements about police action to the BBC.

Cordoned off

Mr Bateman said police cordoned off the intersection of NY1 and NY111 and reporters and photographers were kept away.

He went to a hostel and met three men who saw the incident

Two of them said they had seen police shoot a man with his hands in the air

The third said he saw police grab another man and take a pistol from his belt An order to shoot was given and the man was shot.

Mr Shrock said that these allegations against the police were very serious and if they were to be believed they constituted murder

Mr Bateman agreed and said that was for the court to decide

Mr Shrock This report was published on the front page of the Cape Times and enjoyed enormous prominence. You are obviously aware that there are people in the townships who would like to place South Africa and the police in a poor light and would make false allegations against police

Mr Bateman I suppose there are people who would do that.

Mr Shrock Did you question these witnesses about their attitude in that regard?

Mr Bateman No, your worship.

Mr Shrock: Don't you think you should have?

Mr Bateman: Perhaps, your worship

Mr Bateman, who speaks Zulu and understands Xhosa, said he had made careful inquiries and felt he had reasonable grounds to believe that the three witnesses' accounts were unbiased.

Police version

Earlier, Mr Weaver testified that on the day of the shooting he gave BBC News only the police version of the action because although Mr Bateman's report had arrived, it had not yet been verified

After the witnesses' story appeared in the Cape Times he added the details for which he was being charged

He went to Guguletu with a colleague and interviewed the mothers of three of the dead men

They said their sons were not freedom fighters or members of the ANC and they felt weapons were placed on their bodies to "set them up".

He gave this story to the BBC with the warning that "obviously there is no proof of this".

(Proceeding)

275

Cape Times men testify

Cape Times 15/6/87

Court Reporter

CAPE TIMES reporter Mr Chris Bateman yesterday said that police would have committed murder if it were true that they had shot dead an alleged ANC guerilla who had his hands raised, and "finished off" another who was wounded on the ground.

Mr Bateman was giving evidence in the Regional Court in the trial of a colleague, Mr Tony Weaver, deputy news editor at the Cape Times, who is charged under Section 27 (b) of the Police Act.

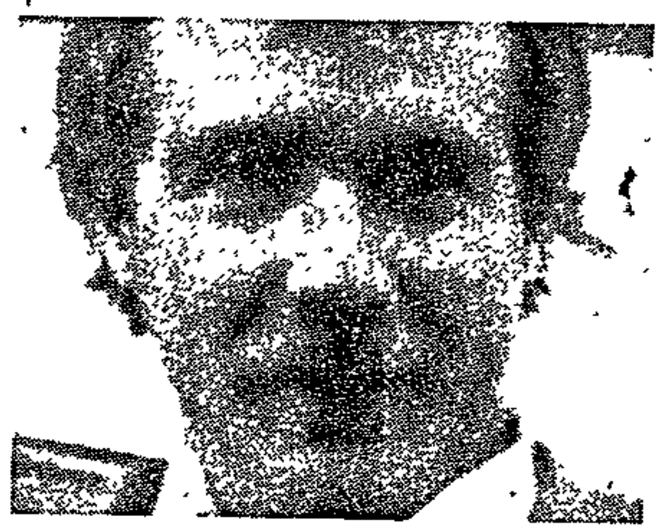
Mr Weaver previously had three charges withdrawn against him arising from a report in the Cape Times following the killing of seven alleged ANC guerillas, who died in a gun battle with police in Guguletu on March 3 last year.

The remaining charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the shootout.

The State alleges that Mr Weaver unlawfully published untrue matter by claiming that some of the men had been shot in cold blood and that the police had then "planted" weapons on the deceased, claiming that they were guerillas to justify the fact that they had been shot.

Earlier the court heard that, after receiving information that a certain vehicle which regularly drove past a certain corner in Guguletu was to be attacked, the police had put some men in the vehicle.

Police had also been told to hide in



Mr Chris Bateman



Mr Tony Weaver

strategic positions surrounding the area where the expected attack would take place and were told that the suspects would be travelling in a stolen minibus

Yesterday Mr Bateman agreed with the prosecutor, Mr S Shrock, that if three eyewitnesses' accounts that police had shot the men in cold blood were true, then the police had committed murder

Mr Bateman said he had gone to the scene of the shooting and after police had finished their investigations and lifted the cordon surrounding the area, he had entered the Dairybelle boarding hostel which housed rooms overlooking the scene.

He had found a Mr Vumozonke Bowers, who took him to a ground-floor room and said that from there he had seen police shooting a man in the head as he lay on the ground

He had gone upstairs and found a bullet hole in a window and a bullet mark in the wall.

Mr Bateman then interviewed Mr Cecil Msuthu, who said he had seen a man with his hands raised in the air whom the police had shot once in the head and other shots at his legs

He had then spoken to Mr General Sibaca, who said police had grabbed a man, taken a pistol from his belt and then kneed him in the stomach before hitting him to the ground

Mr Sibaca told Mr Bateman that police in the distance had shouted "shoot him" and then three shots were fired at the man

Mr Bateman had gone to the Bishop Lavis police station where he spoke to policemen involved in the shootout and then phoned the police liaison officer, Lt Attie Laubscher, who denied the allegations.

The report appeared on the front page of the Cape Times on March 4 on the same day that Mr Bateman returned to the scene with PFP MP Mr Tian van der Merwe and an attorney, Mr B Manca, to obtain statements from the witnesses.

Mr Bateman said he had no reason to believe that the three were unreliable witnesses. He assumed that Mr Sibaca and Mr Msuthu were referring to the same incident, but conceded that another person "could have raised his hands".

Both Mr Sibaca and Mr Msuthu said a man had raised his hands and police had removed a gun from his person.

Mr Weaver told the court that he was nominated for the Louis Lyons award for Consciousness and Integrity in Journalism and had been offered a position as a visiting fellow at the Journalism Exchange Programme at Oxford University.

He said Mr Julian Borgers of the BBC had telephoned him on March 3 for details of the shootout. He had given Mr Borgers the police version.

Mr Weaver explained that he had not relayed Mr Bateman's report to Mr Borgers as the report had not been cleared for publication. The following day Mr Weaver had been assigned to interview families of the deceased.

After a "township contact" had informed him that he could speak to the families of two of the dead men he and a colleague, Mr Andre Koopman, had gone to Guguletu and done so.

He said he believed that the families were genuinely bereaved. They told him the dead men were not interested in politics and were not ANC members

One of the mothers said the first she heard of her son's death was when she saw him dead on television

On his return to the office Mr Borgers contacted him for an update and later he was interviewed live on the BBC. He had related the feelings of the family members to Mr Borgers and the versions of the witnesses

He said his personal beliefs formed no part of the interview or any of his news reports. He said it was the opinion of one of the mothers that the police had planted the weapon on her son.

She believed her son was not an ANC guerilla and the gun "could only have been planted on him".

He said he had stressed the emotional state of the family in the interview and said there was no proof that what they said was true.

He said he had found that when ANC members were killed the parents were proud and did not try to hide the fact that their sons were ANC members.

The hearing continues today.

Mr J M Lemmer was the magistrate. Mr J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

Crippled boy 'saw police shoot man'

by GILL TURNBULL
Court Reporter

A HANDICAPPED youth told Cape Town Regional Court that while travelling to school by bus he saw a policeman shoot a man who had his hands in the air.

The youth, 15, was giving evidence for the defence in the trial of Cape Times journalist Tony Weaver, who has pleaded not guilty to a charge under the Police Act of making false statements to the BBC regarding police actions in Guguletu on March 3 in which seven alleged terrorists were killed.

The youth said he was sitting in the front seat of a school bus which was carrying 29 other handicapped children when the bus stopped near the intersection of NY 1 and NY 111.

Saw man shot

He was looking out of the righthand-side window and saw a man with his arms "in the air" standing near a telegraph pole. The man was shot and fell to the ground.

The youth, who gave evidence from a wheelchair, said he could not remember the race of the man who fired the weapon.

Earlier bus driver Mr Ronald Abraham Benting said he was returning from St Joseph's School for the handicapped about 7.25am.

He reached an intersection and stopped because there was a black man in a blue tracksuit lying face downward in the road.

Nearby was a white combi and many policemen.

He saw a white policeman issue an order. The others then ran towards the bushes and the policeman approached the man lying in the road and shot him twice in the head.

Miss Pat Smith, house-mother to handicapped children, said she was in the bus and saw a white man shoot a black man lying in the road.

Mr J M Lemmer was on the Bench, Mr Selwyn Shrock appeared for the State and Mr Weaver is represented by Mr J Gauntlett, instructed by Findlay and Tait.

Ferry for sale

THE HAGUE. — The Herald of Free Enterprise, which capsized in March, killing more than 180 people, is on sale for repair or scrap. — Sapa-Reuter.

Bus driver describes shooting

Cape Times 16/5/87

Court Reporter

AT THE scene where seven alleged ANC guerillas were shot dead by police, a man wearing what appeared to be a police uniform shot another in the head "at point-blank range in front of the very eyes" of a busload of disabled school children, the Regional Court heard yesterday.

The bus driver, Mr Ronald Benting, was giving evidence in the trial of Mr Tony Weaver, deputy news editor of the Cape Times, who is charged under Section 27 (b) of the Police Act with making false statements to the BBC in connection with the shootout in Guguletu on March 3.

Mr Benting, who is a bus driver for the Astra school in Wittebome, said he had approached the intersection on his rounds and saw a number of "policemen standing around" and a stationary minibus in the road.

A man was lying in the road and Mr Benting stopped the bus. A "white man wearing something like that (pointing at the court orderly's uniform) approached the man on the ground and shot him at point blank range".

"He put the gun close to his head and shot twice. I saw blood come out of his head and run onto his cheek. I saw no movement from the man.

"The man who shot then came up to the bus and asked me what I was doing there with a busload of children. I did not answer him; the man had a gun in his hand. I just turned around and left."



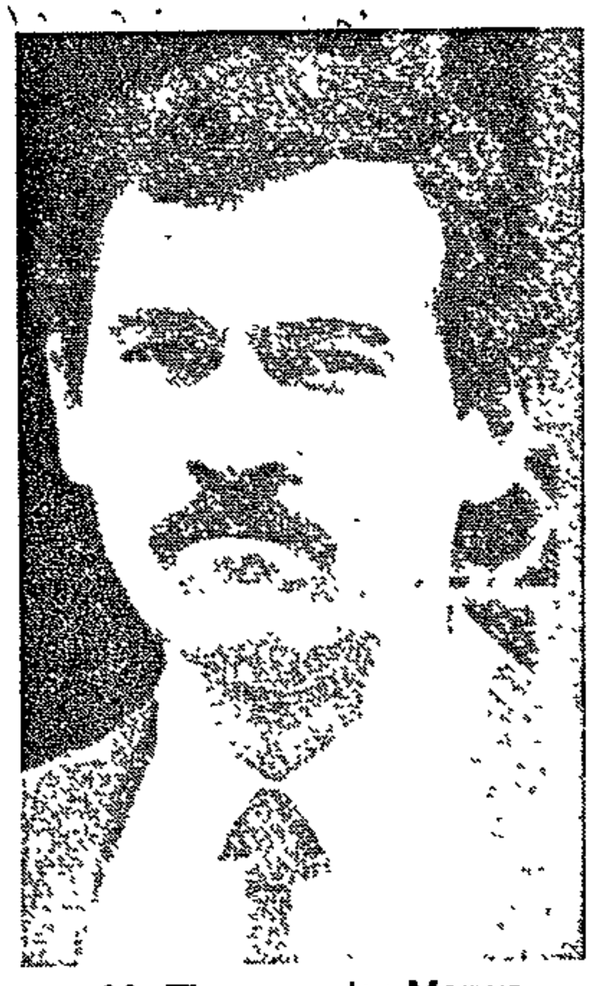
Mr Tony Weaver

He said he had told the principal of the school of the incident and had later spoken to Mr Tian van der Merwe, MP for Green Point, and an attorney, Mr Gordon Rushton

Mr Benting said he had not been keen to give evidence and had no reason to say untrue things about the police.

A 15-year-old pupil with a "learning disability" at the Astra school gave evidence.

He said he was in the bus and, as it stopped, he saw a "black man lift his hands in the air and then they shot him He fell."



Mr Tian van der Merwe

He indicated on a photograph that the man had been shot on the corner of NY1 and NY111. A policeman had then come to tell Mr Benting that he must "turn around", he said.

Under cross-examination by the prosecutor Mr S Shrock, he said he did not know the difference between the truth and lies. He said he had not seen a man on the ground in front of the bus.

The 15-year-old said he could not read a newspaper and no one had told him a man had been shot.

Mrs Patricia Smith, a housemother at the school who had also been on the bus, said that as they approached the intersection she had "seen some activity and heard shooting".



Mr Chris Bateman

The bus had come to a halt on a bridge just before the intersection and she had seen a man lying in the road. She said a "white man had fired downwards at the man with a short gun".

Mrs Smith said she had only been concerned about the children, but that about 10 minutes later she had been in a "terrible state" of shock. "One of the children was also very upset by the incident," she said.

Mr Van der Merwe, who had practised as an advocate, said he had gone to the Dairybelle hostel overlooking the scene to collect information from witnesses of the shootout. Mr Rushton and Mr Chris Bateman, a Cape Times reporter, had accompanied him.

He had gone as a member of the Progressive Federal Party's unrest monitoring committee group and to act as a commissioner of oaths.

He said there was a "question of a person lying on the ground who was shot at and also that a man with hands raised in the air had been shot".

Mr Van der Merwe said he had no reason to disbelieve the witnesses they had spoken to. He had later spoken to Mrs Smith and Mr Benting, he said

Earlier Mr Bateman said he had gone to the scene of the shooting and interviewed Mr Vumozonke Bowers who said he had seen police shooting a man in the head as he lay on the ground.

Mr Bateman then interviewed Mr Cecil Msutu, who said he had seen a man with his hands raised in the air. The police had shot this man once in the head and had fired other shots at his legs

He had then spoken to Mr General Sibaca, who said police had grabbed a man, taken a pistol from his belt and kneed him in the stomach before hitting him to the ground. Three shots were then fired at the man Mr Bateman had spoken to all the men in Zulu.

The hearing was adjourned to June 22.

Mr J M Lemmer was the magistrate. Mr J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

Man killed in Mbekweni

THE chairman of the Friends of Azanyu (Azanian National Youth Unity), Mr Taelo Ntlaba, 20, was shot dead in Mbekweni township, Paarl, on Friday night.

Police said his body was found with a wound in the back. A murder docket has been opened.

Mr Ntlaba was a matric pupil at St Francis Adult Education Centre, Langa. The funeral will be held on Thursday.

...age back. The ship will need crankshaft repairs.

Cape Times 19/5/87 225

Leave to appeal granted

BLOEMFONTEIN. — The Appeal Court here has granted four men and a 17-year-old youth of Bongolethu township, Oudtshoorn, leave to appeal against their sentences for public violence at Oudtshoorn in November 1985 when a truck was set alight. Joseph Hoko, Dickson Mdadi Kane, Ernest Solomons, David Ketshem and the youth were convicted in the George Regional Court on February 21, 1986.

Cape Times 275

'Good guys' appeal jail terms

Supreme Court Reporter

"A HIGHLY distressing picture" and "a disastrous situation" were phrases used by a Supreme Court judge yesterday to describe events culminating in the holding of a "people's court" where two women were lashed 60 times with a sjambok.

Mr Justice L Rose-Innes was sitting with Mr Justice D M Williamson in an appeal brought by five people sentenced to jail terms for assault after admitting participating in the "people's court".

The five were among a group of 32 people originally charged with assault in the Wynberg Regional Court in September last year. Charges were withdrawn against all but six of the accused when the trial began.

The six admitted taking part in the "people's court" held in the Nyanga Art Centre in November 1985 The outcome was that two sisters, Mrs Nompumelelo Sogiba and Mrs Nompendulo Nginingini, were forced to lie on a table while they were each lashed 60 times.

The "court" was convened by people described as "the good guys" by Mr W L Downer for the State, an attitude apparently shared by Mr D O de la Hunt for the appellants, who was at pains to contrast this "court" with those convened by people allied with "the revolutionary communist onslaught".

According to the record, "the good guys" started out — with the blessing of Guguletu police station commander Major Alwyn Burger — as a vigilante group called the Nyanga Youth Brigade. Their aim was to patrol the Nyanga area to prevent robberies and act against "the criminal element".

Believing they also had permission to extend their activities into the judicial sphere, they began to hold court and were approached in this instance by Ms Thobeka Hanoyi, who claimed she was being harassed and threatened by the families of the two women who were subsequently whipped.

Ms Hanoyi told magistrate Mr M Marais that she took this step because complaints to the police had yielded no fruit.

Both she and another witness said the two women were not whipped as a punishment for harassment but for being contemptuous of the "court" by swearing continuously.

Mr Marais sentenced Ms Hanoyi to a fine of R500 or nine months in jail with a further one-year jail term suspended.

The other five accused, who brought yesterday's appeal, were given sentences described as "shocking" and "vicious" by Mr De la Hunt.

Mzwake Ndidimba, a 29-year-old actor who acted as the chairman of the "court", was sentenced to five years with three suspended. Xola Jack, the 21-year-old "clerk of the court", was sentenced to five years with 3½ suspended.

Both these appellants were granted leave to amend their appeal to include conviction yesterday. Their appeal will be heard at a date arranged by the Attorney-General after referral to Mr Marais, who is to be "afforded an opportunity to elaborate on his reasons" for convicting them.

The other three — 28-year-old musician Simon Pasiya, 26-year-old epileptic Lawrence Sidlayiya and 23-year-old hotel worker Ndimphiwe Kweza — were sentenced to five years, with half suspended.

Mr De la Hunt pointed out that all were first offenders and that they were charged with assault, not sedition.

Judgment was reserved. The five are on bail of R1 000 each.

Mr De la Hunt was instructed by E Moosa and Associates.

THE COFFEE SHOP

Light evening meals, on the patio or indoors.

PROTEA RD, NEWLANDS 64-4122



RESTRAINED . . . A UCT student is restrained during a confrontation between Muslim and Jewish students on the campus yesterday.

Picture: GLENN SHERRATT

UCT Muslims, Jews clash on anti-Zionism

CAPE TIMES 21/5/87

Staff Reporter

ABOUT 100 Muslim and Jewish University of Cape Town students clashed on the campus yesterday when the university's Muslim Students' Association called a lunch-time meeting in support of the "Solidarity with Palestine Day".

Angry scenes erupted in the university's Rhodes Room as the two groups vied for control of the venue.

At one point punches were thrown and several scuffles broke out, while the university's vice-chancellor and principal, Dr Stuart Saunders, tried to separate the opposing groups.

Many of the students opposed to the meeting appeared particularly incensed by anti-Zionist posters put up by its organizers. One of the posters read: "Death to Zionist Imperialism".

After about 20 minutes of loud exchanges and repeated scuffles, the opposing groups were quietened sufficiently for the guest speaker, Moulana Ebrahim Moosa, regional co-ordinator of the Muslim Youth Movement (MYM), to address the audience.

Moulana Moosa said it would be folly for anyone to deny the existence of the world's various Christian, Jewish and Muslim communities.

However, he said, the meeting had been called to commemorate Muslim solidarity with the "struggle for the liberation of Palestine"

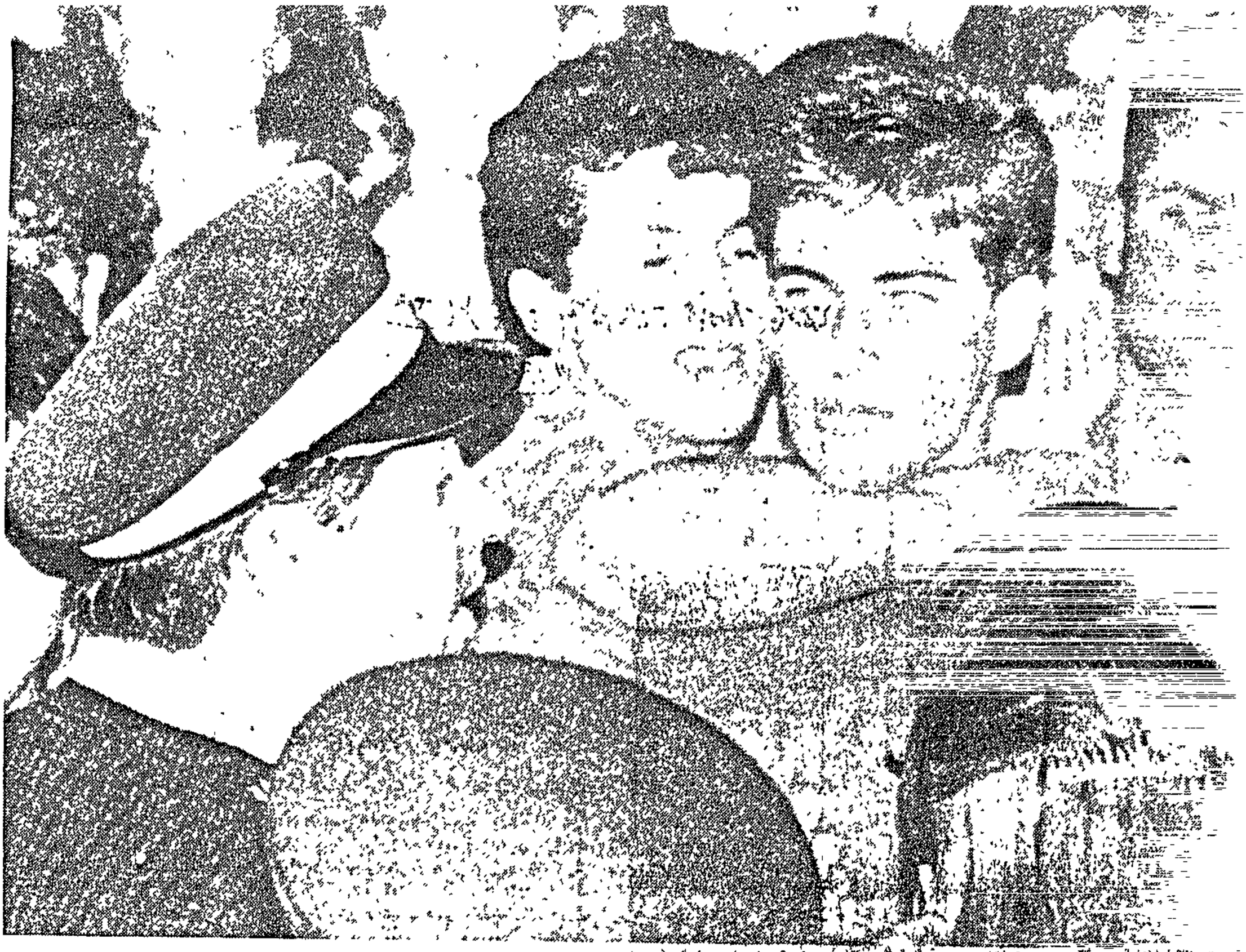
Moulana Moosa said Zionism — and not Judaism — was responsible for the occupation of territories on the West Bank and of the persecution and oppression of the people living there.

"We will not tolerate Zionism's attempts to infiltrate the liberation movements in SA," he said.

Responding to accusations and shouts from the audience, Moulana Moosa said that if "Arafat is a terrorist, then so is Mandela and Tambo".

An MYM spokesman said last night: "We clearly distinguish between Zionism and Judaism. What was seen in Rhodes Hall was the despicable action of people without respect for the views of others and their right to freedom of expression.

"The violence was directly the result of the actions of certain members of the student population claiming to be Jewish, but who we believe to be Zionists."



RESTRAINED . . . A UCT student is restrained during a confrontation between Muslim students on the campus yesterday.

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CASE This is 22/5/87 (275)

UCT's Muslim, Jewish students meet

Cape Times, Friday

Staff Reporter

SEVERAL hundred University of Cape Town Jewish and Muslim students met on the campus at lunchtime yesterday to discuss the violence which disrupted a Muslim Students' Assocation meeting on Wednesday.

There were no violent incidents and the debate went off without serious interruptions.

Mrs Sally Frankental, of UCT's Kaplan Centre for Jewish Studies, rejected suggestions that Zionism and Judaism could, in practical terms, be separated and said research had shown that behind most anti-Zionism lay anti-Semitism.

Reacting to one of the posters displayed at Wednesday's meeting which called for "Death to Zionist Imperialism", she said she objected on principle to any poster which called for "death to anyone".

The UCT SRC has, meanwhile, appealed to all students to debate issues "in a calm and rational way".

It said that on Wednesday MSA pamphlets and posters were removed so that the SRC could determine whether they contravened the long-standing policy of not allowing to be printed on its press, nor distributed on campus, "any racist, sexist, militarist or homophobic material".

"Any pamphlets or posters which have not been checked by the SRC may be removed.

"The SRC consulted a number of academics and decided that the pamphlet (in question) could be distributed because it drew a distinction between Judaism and Zionism, but that the poster tended to blur that distinction and thus could not be distributed.

"We do not believe that political debate on the issue of Zionism should be stifled, but will, however, not tolerate any racism from either side.

"While we understand that emotions may run high over this issue, we do not believe that the violent behaviour that developed at the meeting held on campus yesterday, was in any way acceptable," the statement concluded.

The SA Union of Jewish Students issued a statement after yesterday's meeting in which it called for "action against any organization on campus that puts out racist material".

It also called for the cancellation of any meeting advertised "illegally" — without SRC approval of posters and leaflets — and "the vetoing of potentially inflammatory material since this could lead to violence".

Boy shot minister has to pay R3 000

Staff Reporter

A WYNBERG magistrate yesterday ordered the Minister of Law and Order to pay damages of R3 000 to the father of a boy shot by police while he was on the way to play the video game PacMan.

The child was seven years old at the time. He still has a birdshot pellet lodged near his heart and has suffered severe post-traumatic stress, according to doctors.

Evidence was that he and a friend were on their way to the Uluntu Centre in Guguletu about 6pm on February 19, 1985, when he was wounded.

Magistrate Mr W B Monk said three police witnesses — sergeants Janse van Rensburg and Tredoux and Constable Huisamen — "contradicted each other in many ways".

'Discrepancies in evidence'

He said the two sergeants clearly did not have good independent memories of the "incident". Their description of events did not square with the description logged by the official recorder of their unrest-control unit.

The log describes the "incident" like this: "Action at NY108 against about 1 000 blacks (youths) who placed structures in the road and threw stones at vehicles."

Mr Monk said that because of discrepancies in police evidence, "there are not enough objective facts for a finding that police acted in an emergency situation".

The boy's father originally claimed R5 000 from the minister.

Mr L J Krige, instructed by the Legal Resources Centre, appeared for the boy's father. Mr D van Reenen, instructed by the State Attorney, appeared for the minister.

or abandon a particular stand-

175

Police patrol outside troubled Langa school

Education Reporter

SPECIAL constables and police patrolled outside Langa High School after several windows in the principal's office were broken yesterday.

The Department of Education and Training (DET), which is investigating the situation at the troubled school, would not comment on the matter.

Deputy regional director of the Western Cape Mr Piet Scheepers said he was "too busy to talk to the Press".

Yesterday, an Argus team was ordered to leave the school and to contact the department for information on the position of Mr G S Niehaus, who was said earlier to have replaced the principal.

Students: No prosecution

Cape Times 26/5/87

THE Attorney-General has declined to prosecute three University of Cape Town students who were charged with contravening the Public Safety Act, the Magistrate's Court heard yesterday.

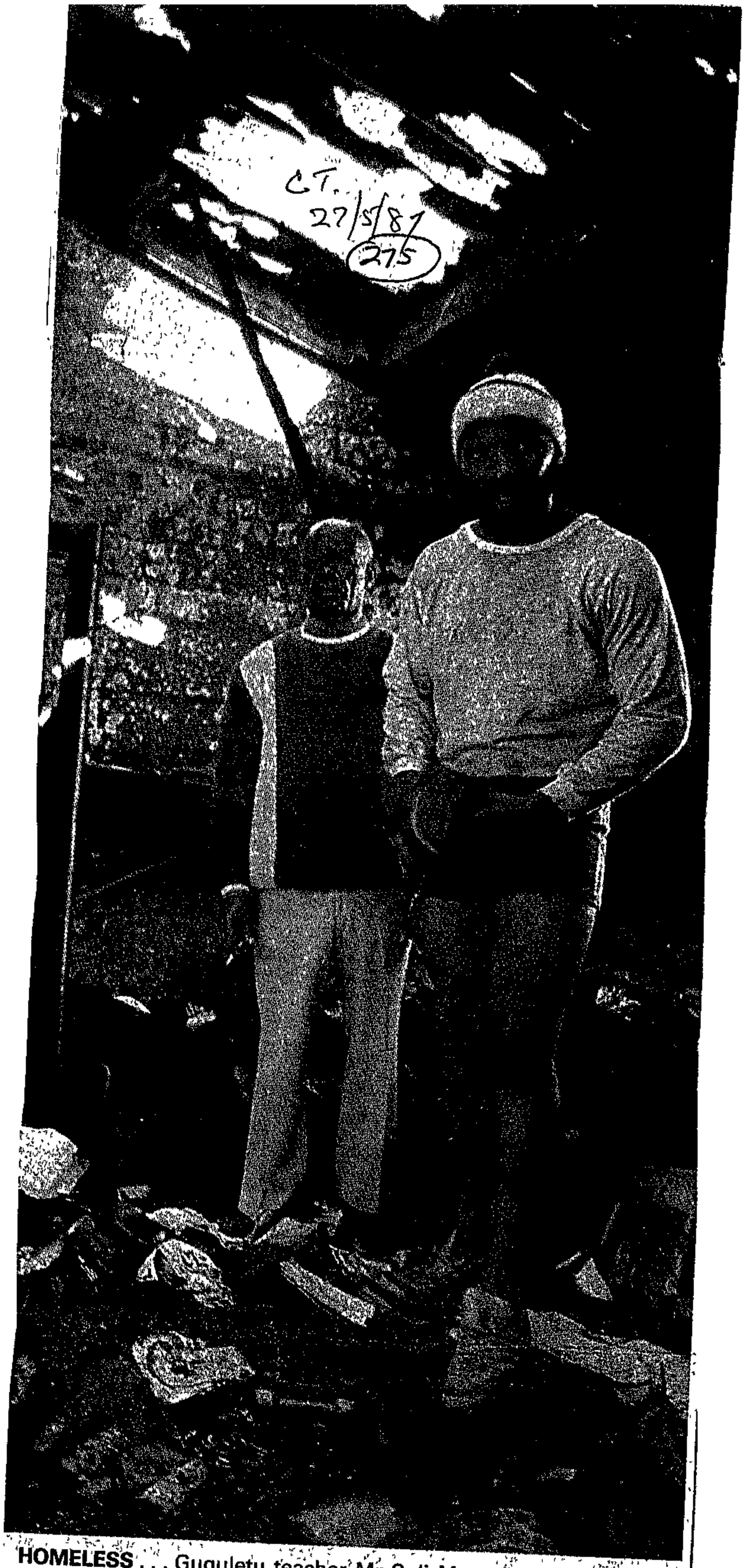
The State alleged that Mr Cassiem Parker, 21, Mr Essa Parker, 25, both of 11th Street, Kensington, and Mr Ghalieb Harnaker, 20, of Louisvale Road, Athlone, had wrongfully displayed subversive statements in a public place by fixing placards to a wall in Kensington on June 15 last year.

The placards allegedly contained the words "June 16 Martyrs' Day", "We Support the Stayaway", "All Oppressed Welcome", and a venue and date. They were alternatively charged with possessing subversive statements, being placards and pamphlets.

finally decided to do it.

City youths arrested

PRETORIA. — Two youths were arrested in Bishop Lavis yesterday after a private vehicle and a security forces vehicle were stoned, according to the police unrest report. In Langa the Langa Secondary School was stoned, according to the report, and a woman was slightly hurt. Damage to the school was minimal.



HOMELESS . . . Guguletu teacher Mr Soli Mngxekele (right), with his father, Mr Bethwel Mngxekele, in the ruins of his home yesterday. The contents were also destroyed. Police have opened an arson docket. Mr Soli Mngxekeze believes the burning may have been in retribution for his punishment of a pupil at Guguletu's Zimasa Higher Primary School after the pupil allegedly swore at a school inspector, but police were not able to confirm this.

Picture: OBED ZILWA

CAPE TIMES 28/5/87

375

Guguletu pupils 'dispersed' after official's car stoned

Staff Reporter

CLASSES were disrupted at the ID Mkize High School in Guguletu yesterday after the car of a Department of Education and Training (DET) official was stoned by pupils.

The unidentified official was not injured and his car was later towed away to the government garage in Cape Town.

Security force members dispersed pupils and youths at the school about 11am, soon after the stoning, and township sources reported youths fleeing across an open field nearby with "soldiers" in pursuit.

Mr P J Scheepers, DET deputy regional director, confirmed yesterday's stoning but declined further comment, saying a press statement would be issued.

Local police referred all inquiries to their headquarters in Pretoria, where a spokesman was unable to confirm or deny the incident.

At Langa High School, where the current school disruptions began after the participation of that school's athletics team in a DET-organized sports tour in Durban, the situation remained tense but without reported incident.

The controversy this week resulted in three Langa athletes being injured in fights with pupils opposed to the tour and the home of a Langa higher primary school teacher being set alight and destroyed in Guguletu.

DET's director-general, Dr A B Fourie, said yesterday that officials investigating problems at the school would shortly submit their report and recommendations.

He emphasized that Mr Duke Ngcukana, the acting principal of Langa, had not been replaced by a white official, Mr G S Niehaus, as was believed.

The joint SRC of township schools has condemned the athletics tour and the apparent subsequent temporary appointment of Mr Niehaus in place of Mr Ngcukana, who is back at his post but declined comment yesterday.

Sapa.

ARGUS 29/5/17

Two special constables hurt in gunfire at KTC

Crime Reporter

TWO special constables were wounded when a security force patrol was fired on near the KTC squatter camp in Nyanga.

The patrol shot back but it is not known if the attacker was hit, police said.

The foot patrol was attacked about 6pm yesterday. It is thought a rifle was used.

One constable was hit in the knee and the other in the foot.

Other incidents listed in the police unrest report:

- A house was damaged by fire at Bongolethu, Oudtshoorn.
- At Umlazi, near Durban, a vehicle was damaged in a petrol-bomb attack.
- A man was injured when a bus was stoned near Maritzburg.
- At Taylor's Halt a man was injured when a house was stoned.
- At Daveyton, near Benoni, a private vehicle was set alight.

grammes — page 3 in Tonight

7 convicted of public violence

Court Reporter

POLICE rounded up residents of an entire township, assembled them in age and sex groups at the local sportsfield and then charged 15 people with public violence, the Worcester Regional Court heard this week.

Charges were withdrawn against eight of them and the other seven received cuts or were given suspended sentences after being convicted of public violence at Nkqubela, the black residential area of Robertson, in November 1985.

A 16-year-old schoolboy was sentenced to seven cuts with a light cane An 18-year-old woman, Liesbet Jeyi, was sentenced to three years' imprisonment suspended for five years.

Seven cuts

Muntu Mobweni, 20, Freddie Mafilika, 20, and Edward Mafilika, 19, were sentenced to seven cuts with a light cane and three years' imprisonment suspended for five years.

Michael Mzola, 22, and Shakespeare Stuurman, 24, were sentenced to seven cuts with a heavy cane and three years suspended for five years

The State alleged that the Administration Board in Robertson had launched an unemployment scheme whereby interested residents were employed to clean the area at a rate of R3 a day.

Nine people participated, including four of the accused The participants protested at the low rate of pay, some of them refusing to accept their pay

After going on strike, some of them went to receive their pay on November 1, 1985 That night the Administration Board offices were attacked and a burning barricade was set up in the road

Freedom songs

When the police arrived, the group sang freedom songs and stoned the police vehicles No damage was caused and no one was injured

The accused told the court that on November 5, five days after the incident, police assisted by army reservists surrounded the small township at 6am and shepherded every resident to the rugby field.

There they were divided into groups of older women, older men, teenage boys and young men, teenage girls and young women, and children After this, 15 people were charged with public violence

The trial was disrupted by the detention of some of the accused under the emergency regulations and was resumed again in November 1986, and completed this week

Mr D du P Myburgh was the magistrate Mr A G du Plessis prosecuted Mr F Buntting, instructed by Mr T de Bruyn, appeared for all the accused

Appeal petition turned down

Staff Reporter

EIGHT Wynberg teenagers are to be jailed on sentences of public violence after their petition for leave to appeal against sentence was rejected by the Chief Justice in Bloemfontein on Wednesday.

The seven are or were pupils at the time of their conviction.

They are Venecia de Klerk, 19, Showqie Enous, 18, Julian Stubbs, 18, Naasir Masoet, 18, Dee Dicks, 18, and a 17-year-old boy, who were all sentenced to three years' imprisonment, of which two were suspended; and Wayne Jordaan, 19, who was sentenced to five years, of which two were suspended.

Sentence on a 14-year-old girl was postponed for five years.

An appeal to the Cape Supreme Court was dismissed on February 16 this year and leave to appeal was refused.

A petition was then sent to the Chief Justice. Signed by 30 000 people, it included Archbishops Desmond Tutu and Stephen Naidoo, Dr Allan Boesak, Muslim Judicial Council president Sheikh Nazeem Mohammed, UCT principal Dr Stuart Saunders and UWC rector Prof Jakes Gerwel among its signatories.

An attorney, Mr Enver Daniels, explained yesterday that the decision by the Appeal Court meant that the Chief Justice had turned down the petition.

Vehicle petrol-bombed

PRETORIA — A vehicle was gutted when it was petrol-bombed on the road between Grahamstown and Uitenhage but no one was hurt. This was the only unrest-related incident reported yesterday by the SAP.

Picture: ANNE LAING

and three new Honda Ballades.

Langa school could be closed, says DET letter

Cart Trust 3/6/82

By CLARE HARPER
Education Reporter

THE Department of Education and Training is considering closing Langa High School, according to a letter received by members of the school committee.

The letter was sent by the acting regional director of the DET, Western Cape, Mr A Ndamase, to members of the school committee saying the closure was being contemplated because conditions were such that "no effective education is taking place".

The chief public relations officer for the DET, Mr Job Schoeman, said yesterday that no decision had yet been taken to close the school, but once the investigation at the school was complete, a report and recommendations would be sent to the director-general.

The chairman of the now defunct school committee, Mr Joseph Langa Magaqa, said yesterday that he and five others were mandated by residents of Langa at a meeting last Thursday to voice the community's objections to any intended closure.

The ad-hoc committee of Mr Magaqa, Mr G Ntuli, Mr V Xhamlashe, Mrs N Gikolo, Mr H Zothe and Mrs N Makeleti have asked that the school not be closed "until we, the residents of Langa, have met and tried to settle the matter between teachers and scholars", he said.

The Joint SRC, the organization representing the majority of black school pupils in the Western Cape, yesterday described the letter mooting the school closure as "highly provocative".

The Joint SRC spokesman said last night that "it is clear to us the DET do not want us to write our final examinations".

He said the problems at Langa High school started when students were used "as puppets by the DET to participate in the athletics tour to Durban on May 6".

"We call on students to unite and not be used by the DET," he said.

The spokesman said that reports from different schools yesterday were that six pupils had been arrested over the long weekend in connection with pupil clashes.

□ DET under fire on school shortages — Page 4.

Capt. Times 3/6/87

Police chief in 'frank' talks with squatters

By BARRY STREEK,
Political Staff

SQUATTER leaders from the Nyanga/KTC area have met the Divisional Commissioner of Police in the Western Cape, Brigadier Ronnie van der Westhuizen, for discussions after complaints about police action.

Mr Jan van Eck, the Progressive Federal Party MP for Claremont, who arranged the discussions, said yesterday that the talks were "very frank and open" and they would "hopefully lead to further meetings in the future".

Mr Van Eck, chairman of the PFP's Western Cape Unrest Monitoring and Action Committee, added: "The fact that the meeting took place and that both the squatters and the police put their side of the situation will, I believe, hopefully lead to a better understanding between the squatter communities and the police.

"Brigadier Van der Westhuizen's willingness to talk and to listen bodes well for the future."

The discussions, which lasted for more than 2½ hours on Wednesday last week, took place under Mr Van Eck's chairmanship. They involved Brigadier Van der Westhuizen and 25 squatters representing KTC, Portland Cement, Nyanga Bush and Nyanga Extension.

'Normalization of the situation'

Mr Van Eck said that during the meeting, the brigadier had stressed that the police would not tolerate indiscriminate and provocative police action against the squatters "and that he would ensure personally that each complaint brought to his attention would be investigated in full".

Confirming last week's meeting, a police liaison officer for the Western Cape, Captain Jan Calitz, said Brigadier Van der Westhuizen believed that "negotiations will help ensure stability and the normalization of the situation in the black townships".

In a statement, Mr Van Eck said: "Over an extended period of time the people of KTC and the squatters of Nyanga Bush, Nyanga Extension and Portland Cement, who have been resettled in the Nyanga/KTC area, have frequently approached us with complaints of alleged indiscriminate and violent police action against them.

"These complaints culminated in events on May 5 in KTC when a major confrontation resulting in bloodshed was barely averted.

"On this occasion — as on so many others — I was again struck by the fact that there was no communication between the police and the people of KTC — something which made a more or less violent confrontation virtually unavoidable

"At a meeting with squatter leaders two days later, I was given a mandate by them to approach the new Divisional Commissioner, Brigadier Van der Westhuizen, and set up a meeting between them and him so that they could convey their grievances about police action to him personally."

Fresh bid to keep youths from jail

A LAST-DITCH attempt was made this week to keep seven Wynberg youths from going to jail by appealing to Amnesty International and the Red Cross.

This was decided after the youths were notified to start their sentences shortly following last week's failure of a petition to the Chief Justice against their sentences for public violence.

After 18 months of anguish, the seven, convicted in October 1985, had to prepare themselves to go to jail soon for between 12 months and three years

In an earlier attempt to keep them out of jail, the Wynberg Crisis Centre launched a public signature campaign.

Dee Dicks, 18, Venecia de Klerk, 19, Julian Stubbs, 19, Igshaan Amlay, 18, and Showqie Enous, 18, will serve 12 months. Wayne Jordaan, 19, and Nassir Masoet, 18, will serve three years.

"Normally, first offenders can apply for parole," an attorney said.

But the Minister of Justice, Mr Kobie Coetsee, has said that there will be no parole for public violence offenders..

Showqie, a standard nine pupil at Livingstone High, was in the middle of writing exams when he heard that he would have to go to jail. He will finish his exams today. "Its as if my life isn't my own anymore," he said.

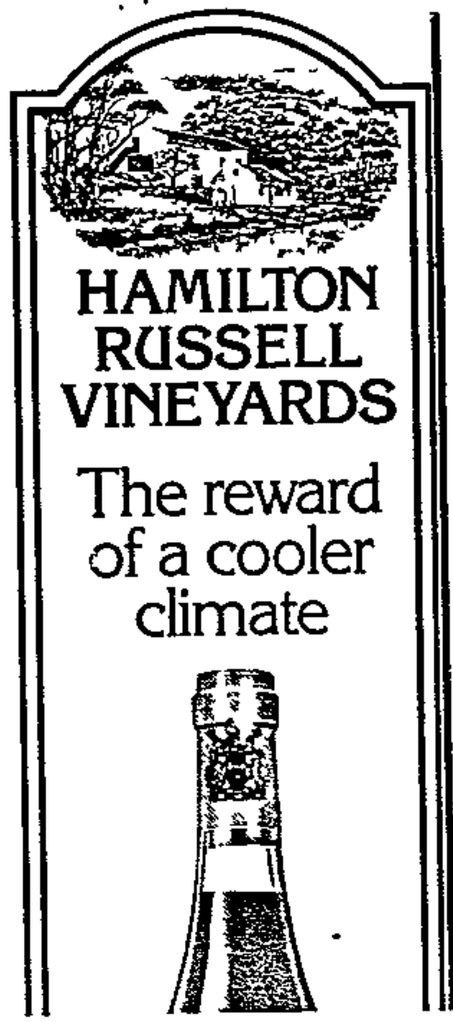
"When I heard the petition failed, nothing went through my mind," Dee said. "I was expecting it to fail, but I had hoped it would succeed."

An interdenominational vigil will be held at the NG Sendingkerk in Aliwal Road, Wynberg, at 7.30pm on Thursday, and a meeting on Sunday at 2pm at the Wittebome Civic will focus on the seven.

UCT students in court

TWENTY-FOUR UCT students who were arrested after confrontations with the police on the campus at the end of April, appeared in Wynberg Magistrate's Court yesterday. Five appeared separately from the other 19 and the hearing was adjourned to July 29 for the Attorney-General's decision and further investigation. None of the students was asked to plead and no charges were put to them. Mr N Jones was the magistrate. Mr R Totemeyer prosecuted. Miss A Durbach appeared for 22 of the students and Mr N R Cohen and Mr A Adams appeared for two.

Cape Times



Shooting: Cop is blamed

By YVETTE VAN BREDA
Court Reporter

AN INQUEST magistrate found that culpable homicide was committed when a policeman shot a 31-year-old father in a Salt River house diagonally opposite his own during unrest in September 1985.

The magistrate, Mr P L May, found that Mr Ebrahim Carelse had died of brain damage suffered when he was shot by Lieutenant John Michael Baird, who "attempted to arrest the deceased whom he believed was a person trying to evade arrest".

"The offence of culpable homicide was committed. The court is not satisfied on the evidence that Lieutenant Baird acted within the bounds of Section 49 (2) when he shot the deceased," Mr May said.

Section 49 (2) relates to a killing which may be deemed justifiable homicide, when a person authorized to make an arrest cannot arrest someone or prevent him from fleeing by other means than killing him.

At an earlier hearing Lieutenant Baird said he had gone to Salt River to look for "troublemakers"

He had seen about 20 men on the corner of Albert and Burns Roads. Among them was a man holding a petrol bomb as if he was about to throw it.

As the police approached the group, the man, whom the lieutenant said was Mr Carelse, passed the bomb and a brick to another man in the crowd and ran.

Lieutenant Baird gave chase and followed "Mr Carelse" into a house. He fired a shot at Mr Carelse as he was about to leave through the back door. He said the shot was intended to be low down but "by fluke" it hit him in the neck.

Mrs Jawaya Carelse, wife of the deceased, said her husband had gone to visit neighbours who had just returned from Mecca.

A few minutes later she heard a shot and on entering her neighbour's house she found her husband lying just outside the back door.

An 11-year-old boy told the court a policeman had come into his grandmother's home and shot Mr Carelse who had stepped out the back door to see why people were running in the road.

He said Mr Carelse had come to the house a short while earlier to see his uncle. "He was not running," the boy said.

Mr M de Vries led the evidence Mr J R Whitehead, instructed by Mr B Haliday, appeared for the Carelse family Mrs J H Traverso, instructed by the State Attorney, appeared for Lieutenant Baird and the Minister of Law and Order.

279 (8) Star 8/6/87

East launches 20 projects in Angola

The Star's Foreign News Service

MUNICH — News from Moscow that the communist-bloc economic organisation Comecon is to launch 20 new projects in Angola throws cold water on Western hopes that the Angolans are trying to loosen their ties with the Soviet Union and its allies.

Signs of a cooling of relations between Angola and the communist world were to be seen in Luanda, West German Minister of State Mr Helmut Schaefer said after a visit to the region last week.

At the same time, however, the Soviet Union's official news agency Tass released details of an agreement between Angola and Comecon which provided for a greatly increased communist presence.

Planned projects range from industrial works to training and welfare schemes. Among the largest of the industrial projects is a fish-processing complex in Namib province to be built under the supervision of the Soviet Union and with the participation of East European members of Comecon.

Three Luanda hospitals and a medical rehabilitation centre are to be expanded and modernised. Tass said Angola was now able to deal with Comecon-member countries as a group, with all the economic advantages that brought, instead of on the old bilateral basis.

Parents escort Wynberg seven to jail

CAPE TIMES 8/6/87

By CLARE HARPER

AFTER losing a year-long battle to keep their teenager children out of jail, the parents of seven of the "Wynberg eight", convicted of public violence in 1985, will escort their children to Pollsmoor Prison today.

The petition for leave to appeal against their sentences of between one and three years was rejected by the Chief Justice in Bloemfontein on Wednesday.

The seven, who will be escorted to prison by parents, teachers and pupils students from their schools and colleges are: Wayne Jordaan, 19, Venetia de Klerk, 19, Dee Dicks, 19, Julian Stubbs, 19, Shoukie Enous, 18, Naasir Masoet, 18, and Igshaan Amlay, 18.

The sentence of a 16-year-old girl has been postponed for five years

A psychologist, Mr Andy Dawes, who has been counselling the teenagers and their parents, said they had expressed fears about the effects of the prison environment on their children "who have never been exposed to anything like it in their lives".

He said he had discussed the concerns and worries of the teenagers about the conditions they could expect in prison, and the Wynberg Crisis Centre had arranged for them to meet former prisoners.

Mr Dawes said they had been advised to maintain their dignity and to "refuse to participate in morally unacceptable acts and attempt to hold on as long as possible".

Ms Dee Dicks and Ms Venetia de Klerk, the first women pupils to be jailed for public violence in Cape Town, said they had been advised to "be obedient to the prison warders, but remain strong"

Ms Dicks said they were told not to take expensive things to prison that could arouse jealousy and must be humble and share what they had.

"They said we should be friendly, but not too friendly and not show that we are scared .. and that we should explain to the other prisoners why we are there (in Pollsmoor)," she added

Mr William de Klerk said yesterday that he felt his child was being made an example of and that "a sentence of 12 months — even if my child did throw a stone — was very harsh".

"We are not going to take this lying down, we as a community are not satisfied by what has happened," he said.

Wayne Jordaan, 19, who was sentenced to five years, of which two were suspended, said he believed he received a longer sentence "because they said I had the qualities of a leader".

"I'm going in with an open mind We just have to be strong. But as a human being I can say I still think we should continue to fight for what is right," he said.

An attorney acting on behalf of the seven, Mr Enver Daniels, said the co-ordinators of the campaign for their release intended to intensify the campaign nationally and internationally

He said they were regarded as political prisoners abroad and their incarceration was seen as an attempt to try to deter people from embarking on "any kind of struggle".

☐ Seven go to jail with 'struggle's good wishes' — Page 3.



WYNBERG SEVEN . . . Six of the seven Wynberg teenagers who will go to prison today (from left) Venetia de Klerk, Dee Dicks, Igshaan Amlay, Naasir Masoet, Shoukie Enous and Julian Stubbs. Wayne Jordaan did not attend. On the far right is Venetia de Klerk's father, Mr William de Klerk.

Picture: GLENN SHERRATT

7 'go to jail with struggle's good wishes'

CAPE TIMES 8/6/87

Staff Reporter

THE seven Wynberg pupils who have to go to jail today were told at a mass meeting yesterday by advocate Mr Dullah Omar that they "go with the good wishes of the entire liberation struggle".

"We are here to register our protest that our flowers, our children, are required to go to prison for no reason other than that they are caught up in a civil war and find themselves the victims of that titanic struggle," Mr Omar said.

"Senzenina?" (What have we done?) the crowd of about 600 which packed the Wittebome Civic Centre sang after giving the seven a standing ovation when they were called up to the platform by Mr Omar.

"It is very easy for us to talk about the struggle," Mr Omar said, "but we've learned that struggle also means sacrifice. And when you are called on to make that sacrifice it is very painful and very unjust."

He told the seven that they were not alone. "All over our land young people, children as young as 11, are being shot down and imprisoned, young people who aspire to nothing other than that you and I should be free."

Mr Omar said that even if yesterday's meeting had no result other than the exchange of thoughts and news — one item of which was the detention on Saturday of Call of Islam member Mr Ebrahim Rassool — it would have been worthwhile.

"We live under the strictest censorship this land has ever known," he said. "You and I do not know one-tenth of what is going on "

He spoke with anger about the fact that when police harass families and friends of the 13 young ANC members and sympathizers on trial in the Supreme Court — regularly arresting people who shout greetings for "disturbing the peace, forbidding people to sing, arbitrarily refusing entrance to the public gallery — newspapers dare not report it".

"That is why it is necessary to meet Large meetings might not be possible but we shall meet in our twos, in our threes and fives and tens, so that the struggle for freedom shall continue."

Later the father of Venetia de Klerk told the gathering that when his daughter was arrested he was "very disturbed and truly mad, because she was disobedient to my warnings"

He cut himself off from her situation and told her that she should get herself out of the mess she had created.

However, when he heard that she had been sentenced to imprisonment, he was shocked into becoming "a father who has come back to his senses".

He paid tribute to the Wynberg Crisis and Relief Centre as the "people who stepped into my place when my daughter needed me, because I was blinded" He made a passionate plea to other parents "who perhaps have the same attitude I had".

"Don't leave it a day or an hour longer," he said "Get yourselves involved — and I've never used these words before — with any liberation struggle."

Among other speakers at the meeting, which focused also on life after a year under emergency rule, was a Call of Islam member who told the meeting about the detention of Mr Rassool, who was due to speak

He said a number of "giants" had been born in the very teeth of emergency rule — the SA Youth Congress, which organized yesterday's meeting, the UDF's United Women's Congress and the National Education Crisis Committee.

"You can't crush a whole nation You can't detain a whole country," he said

Six pupils under 18 in court — no bail

CME Trials 6/6/87

BY CLARE HARPER

SEVEN high school pupils ranging in age from 13 to 21 years have appeared in Wynberg Magistrate's Court following an incident in Guguletu on Wednesday last week.

The seven, who are pupils at Sizamile, I D Mkize and New Crossroads X3 high schools, were not asked to plead.

Mr Essa Moosa, attorney for the six teenage pupils, said they faced possible charges of intimidation, assault and arson.

The pupils, who were arrested on Monday this week, include Mr Walter Mlandeli, 21, two 17-year-olds, a 16-year-old, two 15-year-olds and a 13-year-old.

Bail applications for the seven were opposed and they were remanded in custody at Guguletu police station

The hearing was adjourned to June 8.

Mr Mlandeli was represented by Mr D Franks Mr N Groenewald was on the Bench Miss A Mugjenkar prosecuted

Police fired teargas into churchyard

Own Correspondent

PORT ELIZABETH. — A Cradock police officer yesterday described events which led to the firing of teargas into the grounds of a church in Lingelihle township on February 3, 1985.

Captain Hans Jurgens Gouws, the district officer for Cradock, who held the rank of lieutenant and who was in command of unrest-related matters at the time, gave evidence in the Regional Court yesterday at the trial of three journalists appearing on a charge under the Police Act.

The editor-in-chief of the EP Herald, Evening Post and Weekend Post, Mr J C Viviers, and reporters Miss Jo-Ann Bekker and Miss Debbie March confirmed their pleas of not guilty.

The trial, which began in Cradock Magistrate's Court in March, resumed here yesterday before the president of the Regional Court, Mr G Steyn.

Capt Gouws said that on the weekend at issue a police constable had been found murdered.

He had received information which resulted in a search for Mr Madola Jacobs, an 18-year-old youth.

On the way he had met the chairman of the Cradock Residents' Association, Mr Matthew Goniwe, near the church and had asked them if they knew where Mr Jacobs was.

Mr Goniwe had left and about five minutes later brought Mr Jacobs to him, Capt Gouws said.

He had arrested Mr Jacobs.

A crowd had begun forming opposite the church and had started jeering and throwing stones.

He had fired three shots from a teargas rifle into the air to fall into the crowd. He had not fired at the crowd because he did not want the teargas canisters to hit anyone, Capt Gouws.

"I could see where they fell and unfortunately they fell inside the church premises," Capt Gouws said.

Later at the police station he received news that large-scale rioting had broken out and returned to the township to assist the police, who were now out in full force.

Before he returned to the station with Mr Jacobs no policemen, in his presence, had thrown stones at houses. He also had not heard of anyone laying a charge to this effect against the police that day, he said.

On the Monday he was surprised to read in the newspaper that teargas had been fired into the church.

He said he then visited the minister, the Rev R M Obose, who showed him where the teargas canisters had ignited. He said no one had alleged to him that teargas had been fired into the door.

In response to a question by Mr W Trengove for the defence, Capt Gouws denied that he had simply fired the teargas "vir kwaadgeld" (mischievously) and said he always tried to act reasonably — "to which many blacks could testify".

An elder of the NG Kerk in Africa, Mr Richard Rasmeni, gave evidence that parishioners attending a communion service had fled from the building when they began smelling teargas.

Mr Rasmeni said he and others saw a teargas canister that had fallen near a vehicle standing behind the church and they went out to try to remove it, fearing that it would set the vehicle on fire.

The next canister fell below the steps leading to the manse's kitchen door.

That evening he was telephoned by a woman from the Eastern Province Herald. She had asked about events at the church that day and he had told her that people had rushed from a communion service after teargas canisters had been fired and teargas had begun entering the church, Mr Rasmeni said.

Cape Times 9/6/87



TEARFUL . . . Miss J M A Abrahams, a guidance teacher at South Peninsula High, comforts Rudi and Crystal Dicks, brother and sister of Dee Dicks, one of the Wynberg Seven who began their sentences in Pollsmoor Prison yesterday. Rudi is in Std 7 and Crystal in Std 8.

Picture: GLENN SHERRATT

Crowd's farewell to Wynberg Seven

By PETER DENNEHY

HUNDREDS of relatives, friends and well-wishers of the Wynberg Seven gathered yesterday to see them enter Pollsmoor Prison to start their jail terms.

Wayne Jordaan, 19, Venetia de Klerk, 19, Dee Dicks, 19, Julian Stubbs, 19, Shoukie Enous, 18, Naasir Masoet, 18, and Igshaan Amlay, 18, were convicted of public violence arising from a stone-throwing incident in Wynberg in 1985

Jordaan was sentenced to an effective three years' imprisonment, while the others were sentenced to one year in jail

The seven were due to report at 9am, but entered the prison gates about 2½ hours late

A police helicopter circled overhead

Minutes after all seven had gone into the prison, police announced that those outside the gates had three minutes to disperse. The gathering complied

CPA Times 10/6/87

Court told of teargas in hall

By YVETTE VAN BREDA
Court Reporter

TEARGAS canisters hit the windows and walls of the Zolani Centre in Nyanga East and one canister went into the hall, causing pandemonium at a May Day Rally taking place inside, the Wynberg Civil Court heard yesterday.

Mr Murray Michel was giving evidence for plaintiffs Mr Rodrigo Nunes and Mrs Zora Mehlomakhulu, who are suing the Minister of Law and Order for R200 and R500 respectively for damages and humiliation caused at the meeting.

Mr Michel, a photographer, said he was in the hall about 5pm, when the meeting was just coming to a close He became aware that teargas was being fired outside and some canisters hit the windows and walls. "One canister bounced off the steps and came inside, emitting gas "

Pandemonium broke out, people passed out and one woman was trampled on as people clambered and dashed to get out.

Mr Tony Weaver, deputy news editor of the Cape Times, said he had been outside, between the security forces and the hall, to take photographs

There were about 700 people at the terminus opposite and in the grounds of the hall, and about 200 youths singing and dancing in the street

Mr Weaver said a stone was thrown at one of the Casspirs. After ordering the people to disperse, police fired teargas at the youths in the street, then about 30 to 40 canisters were fired at the hall

Captain Henry Paulse, who was in command of the platoon who went to the Centre, said police had fired 104 rounds of teargas in about half a minute

Teargas was not fired into the hall, only over it. He said it was not police practice to fire teargas into buildings.

Captain Paulse said he had foreseen that the wind would blow teargas into the hall and that people would be affected. He agreed that it would highly dangerous and unfair to have fired teargas into the centre.

In argument, Mr B Griessel, for the minister, said the police were acting lawfully when they fired the teargas.

He said Mr Weaver was "biased" .

Mr D Potgieter, for the plaintiffs, said all his witnesses had said the gas was concentrated in one place and if it had been blown in, it would have drifted.

The magistrate, Mr W Schagen, reserved judgment.

Mr Potgieter was instructed by Legal Resources and Mr Griessel by the State Attorney

More news on page 14

Commander denies he rebuked cop

PORT ELIZABETH. — The commander of the Cradock police station denied in the Regional Court here yesterday that he reprimanded policemen about throwing stones at people in the township.

Lt Gerhard Johannes Goosen was testifying in the trial of Mr J C Viviers, editor-in-chief of the Eastern Province Herald, Evening Post and Weekend Post, Miss Jo-Ann Bekker, a former reporter for the Herald; and Miss Debbie March, a Herald reporter

The three are alleged to have been involved in publishing statements without reasonable grounds for believing them to be true. The case follows a report in the Herald on February 4, 1985, concerning actions by the SA Police in a Cradock township.

In his evidence, Lt Goosen told the court how the discovery of the body of a Const Bonali had led to the arrest of Mr Madola Jacobs near the Ned Geref Kerk van Afrika in Sikulu Street, Lingelihle, on Sunday, February 3, 1985.

'Riotous crowd'

Mr Jacobs had been brought there by the chairman of Cradora, Mr Mathew Goniwe. When the crowd that began gathering became riotous, shouting and stoning the police and their vehicles, Capt Hans Gouws fired three 37mm teargas canisters.

Mr Goniwe, a Mr Makaula and a third person later arrived at the charge office wanting to see Mr Jacobs. Lt Goosen said he could not grant the request as Mr Jacobs had been arrested

The minister of the church where the teargas incident happened, Mr R Obose, and members of his congregation then arrived

Mr Obose carried the remains of the teargas canisters. He told Lt Goosen the church service had been disrupted and the congregation had to leave the church when teargas started coming through the windows. Two canisters had fallen outside the church and one outside the manse

'Clearly understood'

Lt Goosen said he explained that the police action had been necessary to disperse a riotous crowd. He also said the police had been unaware that a church service was in progress and they had not meant to disrupt it Mr Obose clearly understood and, saying he did not want to lay a charge, left

Under cross-examination, Lt Goosen said he had spoken to the minister who had been carrying the teargas canisters that morning and not an elder, Mr Richard Rasmeni, who told the court that he had carried and handed over the canisters At no stage was he told teargas had been fired into the church

Lt Goosen also said Mr Makaula had not complained of stones being thrown at people in the township. It was also contrary to departmental regulations for him to admonish a member of the force publicly (as the newspaper report claimed had happened) and only on the grounds of an allegation

When he read of the allegations of stone-throwing by police in the newspaper the next day, he was surprised — firstly, because this was not what had happened at the charge office, and secondly, because he had spoken to Mr Goniwe and Mr Obose and not a Lt Gouws, as the report stated.

The case is proceeding — Sapa

CAPE TIMES 16/6/87 275

Orders to clear school



NO CLASSES . . . Langa High School pupils who abandoned classes yesterday in support of detained Joint-SRC members outside the school. Picture: CHRIS BATEMAN

By CHRIS BATEMAN

TEACHERS at Langa High School, scene of pupil demonstrations yesterday, have been instructed to compile lists of all pupils' home addresses and to clear the buildings of all equipment, furniture and books by end of term on Friday.

The directive, from the deputy regional director of the Department of Education and Training (DET), Mr A Ndamase, comes within a fortnight of another DET letter advising that closure of the school was being contemplated because conditions were such that "no effective education is taking place".

Teachers spoken to yesterday saw the latest move as a prelude to closure of the school next term, but it was also understood that the measure could be to avert possible damage to equipment over the three-week holiday.

Despite numerous attempts, a DET spokesman was unavailable for comment yesterday

The DET directive instructs teachers also to hand in all textbooks, stock registers and examination schedules for November last year to the DET's circuit office on or before Friday Complete lists, per standard and class unit, for textbooks must also be compiled, the directive said.

One teacher, who declined to be identified, said the task would be "impossible" to complete by Friday The directive warns teachers they would not be allowed to leave the school premises till all instructions had been carried out

Langa High School has been at the centre of ongoing township school controversy since a team of its athletes took part in a DET-sponsored sports tour to Durban last month Fighting broke out on the school grounds when the team returned

More than a dozen pupils at township schools throughout the Peninsula have since been arrested in connection with charges of intimidation, arson, public violence, assault and malicious injury to property.

Langa High School pupils abandoned classes yesterday to express solidarity with arrested Joint SRC members and called on the DET to drop the threat temporarily ro close the school

Several Buffel armoured cars patrolled past the school as pupils "toi-toied" in the school grounds, but no incidents occurred

Members of the school SRC demanded an end to the "provocative" presence of "kitskonstabels" on school grounds each afternoon as classes ended They asked that the DET correspond with the Langa Parent Teachers Student Association instead of the "defunct" Langa High School committee

'Freedom fighter' tells of killing of children

By SHAUNA WESTCOTT
Supreme Court Reporter

"IF EVER the cup of bitterness ran over for me, it was in 1985," Umkhonto we Sizwe (MK) member Sazi Veldtman told the Supreme Court yesterday.

In a statement from the dock in mitigation, he said this was the year of many people "dying of bullets" after the state of emergency, the year of living in fear of police and soldiers "responsible for the death of many children", the year he found he "could not keep quiet and think only of myself"

"I can quote a number of events, My Lord," he said. "I talk of a few In 1985 through the action of the police a three-month-old infant was killed after inhaling teargas. At Nyanga a 14-year-old schoolboy was shot by the army and it was claimed he was caught by a stray bullet. A small boy was found at the mortuary with many bullet wounds.

"Almost every African family knows these tragic events to their cost from their own family experience."

Hide

Veldtman, a 29-year-old post office clerk who lived in Nyanga with his wife and two children before his arrest in May last year, spoke earlier of how the pass laws hindered his life, even as a child.

His mother died when he was two years old and his grandfather died when he was nine His "dear aunt" then brought him to Cape Town where for two years he was refused entry to schools because he was "not legal in Cape Town".

When pass law inspectors came to his aunt's house he had to hide

When he was 14 he was arrested for not having a pass When he was 16 and applied for a pass he was ordered out of the Western Cape by a Mr Fourie "I explained to him the death of my mother and family. He told me he was not interested in my stories, he had heard enough lies from us bantu"

Atrocities

He continued "About pass laws I have witnessed and suffered The fear of a loud rude bang on doors in the middle of the night, the bitter humiliation of an undignified search, the shame of husband and wife being huddled out of bed in front of their children by the police and taken off to jail."

Earlier in the trial prosecutor Mr W C Viljoen put it to Veldtman's fellow MK cadre Joseph Ngoma that the pass laws were abolished in July last year. Ngoma's reply was that the government indeed said so but he had yet to see any change.

Veldtman, like all his fellow accused, spoke also of the atrocities of 1976 which "made all of us very sore and very angry".

He said he was "very lucky for an African" in getting matric "Not one of my friends who started school with me ever got to matric."

His attempts at a university education were foiled by laws requiring permits and quotas at "white" universities and by his expulsion from the University of the North after taking part in peaceful protests.

Finally, Veldtman "respectfully" told the court that he was a freedom fighter, not a terrorist.

"According to the law of this country, which was made against me and my people, I am now called a terrorist White men will call me a terrorist. But that is not true, not according to my people."

The trial continues.

Mr Justice H C Nel presided with Mr L P Francis and Mr W R Vivier as assessors Mr Viljoen appeared with Mr M Stowe Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co. appeared for the defence



275

Wanted to burn bus because it was part of Govt, says youth

Staff Reporter

AN Oudtshoorn youth convicted of murdering a bus inspector told the Supreme Court he intended burning a bus "because I saw it as part of the Government which oppresses us".

The youth, whose age is in dispute, shot Mr Willem Blaauw dead in April last year.

With a 16-year-old and Jerome Myo, 26, he was also convicted of attempting to damage property by sprinkling petrol in a Southern Cape Bus Service (SCBS) bus.

BROKE PROMISE

The youth said in mitigation of sentence that the SCBS, owners of the bus, broke a promise to representatives of the residents of Bongolethu township to resume services and he saw this as "co-operation with the Government".

The youth, who passed Standard 8 in 1985 and intended becoming a motor mechanic, said he was also angered by the "unjust" actions of the police in sjambokking, teargassing and firing birdshot at pupils and township residents.

"In June 1985 police killed three teenagers, including a close friend of mine," he said.

"They didn't ask questions — they just took everybody"

CHURCH

Such police action led him to abandon his formerly peaceful demeanour as the leader of a Roman Catholic Church youth group.

He had read in the Bible that if one was faced with violence, one should be violent in return.

"I was using my violence on my behalf and for all other people who are oppressed

"I was very dissatisfied with the discrimination in Bongolethu in 1985 and 1986."

In comparison with Bongolethu the nearby coloured township of Bridgeton had tarred roads, running water and electricity in houses and better sports facilities.

Coloured pupils also did not have to pay for their school books, he said.

The youth said housing and essential services in Bongolethu, where he was brought up by an aunt, were unsatisfactory.

"Two outside taps were shared by 28 houses in our street and we had no electricity."

The youth joined his school students' representative council and the Bongolethu Youth Organisation (Boyo) to fight for his rights.

The youth denied a State allegation that he was 22 and said he would be 18 on October 17.

Dr Alan Morris, a senior lecturer in anatomy at the University of Cape Town, said that after examining X-rays of the youth's hand, pelvis and knee, he concluded that he was probably between 18 and 21.

However, he could not be 100 percent sure.

The hearing continues.

Mr Justice Williamson is on the Bench, with Mr G Titterton and Mr C H van Gend as assessors Mr A de V la Grange appears for the State and Mr M Donen, instructed by E Moosa and Associates, appears for the defence

275 (620)

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However, he could not be 100 percent sure.

The hearing continues.

Mr Justice Williamson is on the Bench, with Mr G Titterton and Mr C H van Gend as assessors Mr A de V la Grange appears for the State and Mr M Donen, instructed by E Moosa and Associates, appears for the defence.

Police Act: Reporter is acquitted

PORT ELIZABETH — Eastern Province Herald reporter Miss Debbie March, charged with her editor and a former colleague under the Police Act, was acquitted by the regional court here yesterday.

Miss March and former Herald reporter Miss Jo-Ann Bekker were charged in their personal capacities and as servants or agents of South African Associated Newspapers, and Mr J C Viviers, editor-in-chief of the Herald, Evening Post and Weekend Post, as representative of the company.

They were charged with contravening the Police Act following the report in the Herald on Monday, February 4, 1985, relating to actions by the police in the Cradock township of Lingelihle.

All three have pleaded not guilty.

They are alleged to have published the following statements without reasonable grounds for believing them to be true.

☐ Police had fired a teargas cannister into a church building while a service was in progress.

☐ Policemen travelling in a Hippo had thrown stones at a house and/or

☐ Such an allegation was reported to a Lieutenant Gouws at the Cradock police station and/or

☐ He had told police in the room not to throw stones.

☐ The Rev R M Obose had arrived at the police station and said teargas had been fired into his church.

☐ Mr Richard Rasmeni had told the Herald chaos had erupted when one teargas cannister was fired into the kitchen door of the manse

The magistrate, Mr G Steyn, said Miss March had simply been asked to contact the police for their comment.

Where Miss Bekker was concerned, the issue was more complicated and the court could not grant her discharge at this stage, Mr Steyn said.

The case continues today. — Sapa

Boy shot playing with stones

By MOIRA LEVY

A BELHAR boy, aged 16, is in serious condition in hospital after being shot in the back by a policeman last Sunday, in an incident on which conflicting accounts are being given by the boy's parents and the police.

The boy's mother says her son, Melvin, and friends were playing an innocent "game" with a stone when he was shot without warning.

But the SAP Public Relations Bureau, however, claims a policeman's house was damaged in an attack by stone-throwing youths. A youth was injured when a shot was fired the attackers, they say.

Mrs Katherine le Fleur says Melvin and his friends were tossing a stone to each other as they

Turn to page 3



Belhar schoolboy Melvin le Fleur in hospital

Belhar boy shot

From page 1

walked down the road last Sunday.

One of the youths missed the catch and the stone hit the home of a Belhar policeman.

The youths were pursued and a shot was fired. Melvin was struck in the back. They claim no warning was given before the shot was fired.

Melvin was taken to Tygerberg Hospital where doctors operated to remove a bullet.

Lawyers acting for the boy said the bullet damaged Melvin's spinal cord and missed his heart. "He can move one leg slightly and has no sensation in the other leg."

The lawyer said Melvin had been charged with public violence and was expected to appear in court on June 29.

The family was investigating a possible civil claim for damages, he said.

Melvin was unable to speak when SOUTH visited him in hospital. According to his mother, doctors could not say if Melvin would walk again.

Police confirmed a shot was fired in Belhar on Sunday May 31 and a youth wounded.

The police: "The home of a policeman in Belhar was allegedly attacked by a group of 20 to 30 stone-throwing youths. The member's house and vehicle were damaged.

"Despite verbal warnings to disperse and a warning shot fired, the crowd continued throwing stones. A shot was fired at the perpetrators and a coloured youth was wounded."

Melvin is presently under police guard in hospital.

Herald reporter acquitted

PORT ELIZABETH — Eastern Province Herald reporter Debbie March, charged with her editor and a former colleague under the Police Act, was acquitted by the Port Elizabeth Regional Court yesterday.

March and former Herald reporter Jo-Ann Bekker were charged in their personal capacity and as servants or agents of SA Associated Newspapers.

The editor-in-chief of the Herald, Evening Post and Weekend Post, J C Viviers, was charged as a representative of the company.

The three were charged with contravening the Police Act after a Herald report on Monday, February 4, 1985, relating to actions by police in the Cradock township of Lingelihle.

All three have pleaded not guilty.

They are alleged to have published statements without reasonable grounds for believing them to be true. — Sapa.

Plight of Wynberg 7 taken further

By SAHM VENTER

THE international campaign to highlight the plight of seven Wynberg youths jailed for public violence was taken further this week when a four-page letter was distributed at a major church conference in Germany.

The State President, Mr P W Botha, will be asked to grant remission of sentence. The plea will reach Botha and the Minister of Justice, Mr Kobie Coetsee, soon.

Thousands of copies of a four-page letter were also distributed at the Bi-annual Conference of Protestant Churches in Frankfurt. About 100 000 representatives from throughout the world attended the conference.

The letter outlining the plight of the Wynberg seven, asked delegates to highlight the case in their countries. It also asked them to urge their governments to put pressure the government to release the youths as well as others serving sentences for public violence.

On Monday, Venecia de Klerk, 19, Dee Dicks, 18, Igshaan Amlay, 18, Showqie Enous 18, and Julian Stubbs, 19, began their 12-month sentences, and Wayne Jordaan, 19, and Nassir Masoet, 18, started serving sentences of three years.

A copy of the letter has also been sent to Amnesty International as well as the German Anti-apartheid Movement, which has undertaken to contact the Dutch Anti-Apartheid Movement.

A letter will also be sent to the American Bar Association asking it to put pressure on the United States Government.

South (275) 11-16/6/87

Bail granted in murder case

HERALD REPORTER

BAIL of R300 each was granted at New Brighton Magistrates' Court yesterday to a youth of 15 and five men appearing in connection with the killing of three "kitskonstabels" who were burnt to death.

Mr Muse Mkona, 23, Mr Michael Ndamane 26, Mr Hlangene Mkona 20, Mr Billy Madoda Mkona, 18 and the 15-year-old youth, all of Kwazakele, appeared before Mr M van der Vyver.

They were charged with the murder of three special constables whose badly mutilated bodies were discovered by police in Kwazakele, in April. The accused are also facing two charges of attempted murder.

The case was adjourned until July 1.

Mr W Human appeared for the State, Mr M D Vabaza appeared for the defence.

Reporter tells of 'stress' in unrest

CAPE TIMES 12/6/87

PORT ELIZABETH. — A former Eastern Province Herald reporter, Miss Jo-Ann Bekker, has told the Regional Court here of the stress in gathering unrest reports properly and various attempts to intimidate her such as having her tyres slashed and receiving "hate mail".

Miss Bekker, 26, is accused with Mr J C Viviers, editor-in-chief of the Herald, Evening Post and Weekend Post, of contravening Section 27 (b) of the Police Act following a report in the Herald in February 1985.

Giving evidence after the State had closed its case, Miss Bekker said she had been prevented from getting police comment on her stories in early 1985.

At the time, reports involving unrest or police action were checked through Colonel Gerrie van Rooyen, police liaison officer in the Eastern Cape

He had declined to speak to her and had instructed those who stood in for him not to speak to her.

In his evidence, Mr Viviers said the risk of prosecution under Section 27 (b) of the Police Act became particularly pertinent with the situation of endemic unrest during 1984 and 1985.

Special care was taken with articles concerning police action, not only because of the risks under Section 27 (b), but also because of the newspaper's standards of fairness and equitability and the constraints of the Media Council's code of conduct. — Sapa

Cape Times 13/6/87 (274)

Court sees minutes of press agreement

Own Correspondent

PORT ELIZABETH — A police liaison officer in the Eastern Cape, Captain Petrus Grobler, told the Regional Court this week he had been unaware of an undertaking given by the minister, and reiterated by the Commissioner of Police, that newspapers would not be prosecuted under Section 27 (b) of the Police Act provided they followed certain procedures.

The SAP liaison department in Pretoria had told him, when he inquired by telephone that morning, that it could find no mention of such an undertaking in records going back to 1976, he said.

After being shown two sets of minutes covering meetings of the joint liaison committee between the police and the Newspaper Press Union, Captain Grobler agreed with Mr W Trengove, for the defence, that there was on record repeated reference to such an undertaking.

According to the minutes, the undertaking was that newspapers would not be prosecuted under the Police Act for reporting possibly wrong claims against the police provided they also obtained the SAP's response to the allegations and published that at the same time.

Capt Grobler gave evidence at the trial of two journalists charged under Section 27 (b) which makes it an offence to publish untrue matter concerning the police or police actions.

The charge relates to a report on unrest in Cradock, which appeared in the Eastern Province Herald of Monday, February 4, 1985.

The editor of the Eastern Province Herald, Mr J C Viviers, is charged in his capacity as representative of South African Associated Newspapers (Times Media Limited), owners of the Herald. Former reporter Miss Jo-Ann Bekker is charged in her personal capacity and as a servant of the company.

Capt Grobler was the last State witness He confirmed the existence of a formal agreement between the Commissioner of Police and the press but said it did not make any stipulations regarding prosecution in terms of Section 27 (b) of the Police Act

Neither was there on record any undertaking given to the press by the Minister of Police or a general to the effect that members of the press would not be prosecuted if police comment was published along with allegations against the police, he said

Under cross-examination, Capt Grobler said he had been liaison officer since March 1 this year If such an agreement existed he would have come across it since he had gone through all relevant documentation since 1976.

Capt Grobler said he knew of a liaison committee between the police and the Newspaper Press Union (NPU).

He had telephonically contacted the public relations department in Pretoria, with whom he had gone over all minutes of meetings of this committee, specifically looking for an agreement such as referred to.

There was no mention of any agreements.

Capt Grobler was then shown copies of two sets of minutes of the committee.

In one, Mr Rex Gibson, as a press representative, said that some years ago the minister had indicated to the NPU that there would be no prosecution of newspapers under Section 27 (b) if they published "both sides of the story" — in other words, not only allegations against the police but also the official reply to them

The minutes then reflected the chairman of the meeting, a police officer, as saying that the minister's undertaking still stood

The second set of minutes quoted Mr Gibson mentioning an undertaking by General Zietsmann, who was acting commissioner at the time In terms of the undertaking newspapers would not be prosecuted under Section 27 (b) provided they approached the SAP for reaction to allegations before publication and included the response in their report, even if it was the fact that comment had been refused.

Questioned by Mr Trengove, Capt Grobler conceded that there clearly had been an undertaking from the minister which was reiterated in July, 1983.

He agreed with Mr Trengove that the search with the department in Pretoria must have been incomplete. The department there must have been wrong in telling him that there was no reference to such an undertaking.

After cross-examining Captain Grobler, Mr Trengove said he wished to record an objection. He said the prosecutor, Mr H van der Walt, had had a copy of the first set of minutes and he (Mr Trengove) had given Mr Van der Walt a copy of the second set.

It was therefore inexplicable, Mr Trengove submitted, that Mr Van der Walt could have led the witness to testify that there was no such undertaking on record

In reply, Mr Van der Walt said it had not been his intention to mislead the court and said he still had no assurance that the minutes were in fact correct

The magistrate, Mr G Steyn, said he would not comment on the matter at that stage.

The hearing continues on Monday.

NEWS

THE 'WYNBERG SEVEN'

The day the sun went out of their lives

by JEREMY DOWSON, Weekend Argus Reporter

"ALL the life seems to have gone out of our home .."

So lamented one of the distraught parents of seven "ordinary" Wynberg teenagers who this week went to Pollsmoor Prison to begin serving sentences ranging from one to three years

The "Wynberg Seven", as the youths — all in their late teens — have come to be tagged, were convicted of public violence in 1985 following a stone-throwing incident in Wynberg earlier that year.

Their conviction sparked an outcry among their parents, who fought a year-long battle to have the sentences overturned, all to no avail At the end of last month they were told their final bid — a petition to the Chief Justice asking for permission to appeal to the Appellate Division — had failed.

Now they are having to come to terms with the fact that their children, most of them still school-going, will be behind bars for the next year or more — as fellow prisoners of ANC leader Nelson Mandela, veteran trade unionist Oscar Mpetha, and others.

"What we have learnt from it all," said Mr Richard Dicks, father of 19-year-old Debbie, "is that this kind of thing can happen to anyone."

Like the other parents, Mr Dicks stressed that Debbie, known to her school friends as "Dee", was "just an ordinary teenager".

Debbie, who hopes to become a teacher, is the eldest of three children.

"Maybe she was a bit more politicised than the rest of us," Mr Dicks said. "But since this happened, we've all been much more aware of what's going on around us politically."

Mrs Zuleiga Amlay, mother of Igshaan, 18, a standard eight pupil at South Peninsula High, echoed Mr Dicks's views "Our family is not politically orientated

"But this whole thing has broadened our minds."

She described her son, the fourth eldest of seven children, as "fun-loving — and a bit hyperactive, actually."

"He gives our home its liveliness."

The rest of the family were taking Igshaan's absence very badly.

"He is the apple of his grandma's eye," she added.

Mrs Amlay said her son hoped to study mercantile law when he finished school.

Mr Ronald Stubbs, father of 19-year-old Julian, a first-year student at Hewat Teachers' Training College, said his family had been "having our spells of tears as we think of what the youngsters are doing or eating in prison".

He said he was drawing strength from the fact that all seven sets of parents would be holding regular meetings in order to lend each other support and discuss ways of appealing for the early release of their children.

Mr Stubbs said his immediate problem was to try to arrange for Julian to be allowed to continue his studies in prison

"Unfortunately I've been told there are lots of practicalities involved We'll just have to see."

On the effect Julian's sentence was having, Mr Stubbs said the whole affair had rapidly politicised both his family and an "enormous" number of friends

"Many have performed political somersaults since all this happened," he added

Mrs Katie de Klerk mother of Venetia, 19 — the youngest of five children — said the whole thing had been a "terrible experience" for the family

"The house has been very quiet this week"

She said Venetia planned to study business management when she finished matric, which she hoped to be able to do while in Pollsmoor

The other teenagers are Wayne Jordaan, 19, who is to serve three years, Shoukie Enous, 18, and aspirant artist Naasir Masoet, 18, who are to serve a year

Naasir's guardian, Mrs Janie Ebrahim, summed up the attitude of all the parents towards the convictions· "Naasir is not a criminal, and I do not view him a such His is a noble cause.

"It was just a case of happening to be in the wrong place at the wrong time."



Picture HANNES THIART, Weekend Argus.

Feeling shattered — Katie and William de Klerk

EMERGENCY UPDATE

2 youths injured by birdshot near KTC

Staff Reporter

TWO youths were injured and arrested and a third held when police opened fire with birdshot after a security force patrol was attacked near the KTC squatter camp.

Police said that soon after midnight a security force patrol spotted about 30 people armed with petrol-bombs in Terminus Road near KTC.

About 30 minutes later the patrol came under attack. A petrol-bomb exploded on the roof of a Casspir, causing minor damage.

About 1am the patrol was stoned and again attacked with a petrol-bomb.

Two youths were seen running away. A foot patrol started a search of the camp and spotted two people who were warned to stop.

Police said the two ran off and birdshot was used.

Two youths, one 17 and the other 14, received minor injuries. A 13-year-old was also arrested.

● A house was damaged in a petrol-bomb attack at Imbali near Maritzburg, according to the police unrest report.

At Richards Bay a police vehicle detonated an explosive device. The occupants were not injured.

PFP: Dept lacks 'basic facts' on Langa High

Cape Times 17/6/87

Political Correspondent

IT WAS "astonishing" that the Department of Education and Training was attempting to handle the crisis at Langa High School "without even having the most elementary facts at its disposal", Mr Ken Andrew (PFP Gardens) said yesterday.

He was responding to the failure of the Deputy Minister of Education, Mr Sam de Beer, to respond to a series of questions on the admission of certain pupils and the availability of classrooms, books and stationery at the school.

Mr De Beer, answering on behalf of his minister, Dr Gerrit Viljoen, said: "The circumstances surrounding Langa High School have been investigated by a departmental committee. A report is being prepared, on receipt of which more clarity on questions concerning this matter will be attained."

Mr Andrew said later: "The department does not appear to know whether it instructed the school to admit Std 6 pupils in 1987 nor whether any additional classrooms were provided this year.

"How one can ... run a department without this sort of basic information is beyond me."

Responding to another question from Mr Andrew, Mr De Beer said no schools under his department had been closed or had remained closed "owing to non-attendance, unrest or any other form of disruption of normal school activities" during the second quarter of 1987.

However, investigations into the possible closure of certain schools were in progress but the names of the schools could not be disclosed "at this stage".



HAND-GRENADE ATTACK . . . Mr Denys Lobi, his wife, Miriam, and their injured child, Yvon, at their home yesterday.

Five hurt in grenade attack on Guguletu home

Staff Reporter

FIVE people were hurt when a hand-grenade was thrown at a house in Guguletu on Monday night.

The house belongs to a Guguletu community councillor, Mr Denys Lobi.

His wife and child were among the five people hurt.

Mr Lobi said yesterday that he remained undaunted and would "not be intimidated" in spite of the attack.

"I am annoyed because this is dastardly work by someone who has no value sense for human life," he said in an interview.

The attack took place about 8.30pm while the family were watching television.

There was a knock on the door and when it was answered an old man stood outside. Someone stood behind him, Mr Lobi said.

"Something rolled into the lounge and the next minute there was a blast. Nobody knew what was going on because of the noise."

Mr Lobi said his four-year-old daughter, Yvon, who was sitting on a neighbour's lap, started crying. She was wounded in the cheek, neck and right leg. His wife, Mrs Miriam Lobi, who was in the kitchen, was also wounded in the cheek when she ran from the kitchen into the lounge when the blast occurred.

Mrs Lobi dragged her daughter through the back door to safety and neighbours took them to a nearby doctor, who took them home after treatment.

Two special constable guards, who were watching television at the time, were slightly hurt. They ran outside but could not see anyone who could have thrown the grenade, Mr Lobi said.

An ambulance later took Mrs Lobi, Yvon and the old man to Victoria Hospital, from where they were later discharged. The special constables were taken to Wynberg Military Hospital where they are in a satisfactory condition.

Damage to the house was still visible yesterday. Two large shatter-proof windows, which were protected by burglar bars, were blown out in the explosion.

Inside the house two chandeliers were damaged, a television set was destroyed and a wall was cracked. Pieces of shrapnel were still visible in the ceiling, which had started to sag, and the walls were pock-marked. A hole was ripped out of the floor where the grenade exploded.

Double attack on councillor

Cape Times 17/6/87 (HH) 275 (Sm)

Staff Reporter

THE home of a Guguletu community councillor, Mr Denys Lobi, was last night attacked for the second time in 24 hours when a hand-grenade was thrown, a spokesman for the Police Public Relations Division confirmed in Pretoria.

The spokesman said a petrol bomb had also been hurled at the NY 72 home shortly before 8pm and damage was "slight". No one was injured, he said.

In the first attack about 8.30pm on Monday, Mr Lobi's wife, Miriam, their four-year old daughter, Yvon, and two special constables were injured by shrapnel when a grenade was rolled into the house.

The police spokesman said windows were broken in last night's attack and the councillor's car was damaged.

Elaborating in a telephone interview last night, Mr Lobi, 56, said special constables exchanged gunfire with a mob of youths responsible for the attack. A mob of "about 200" youths shouting slogans stopped outside his home just before 8 last night.

"We heard a bang. The curtains at the front started to burn and at the same time we heard shots. The special constables in my house fired back and the mob ran off down another street," Mr Lobi said.

Mr Lobi said that no sooner had he managed to extinguish the curtain blaze, when he heard another bang at the back of his house which he later established was a hand-grenade explosion.

☐ Grenade attack on home — Page 3

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From Page 1

Attack

The grenade had exploded under his car, rupturing the petrol tank and two rear tyres, Mr Lobi said

Seconds later more shots rang out from the direction of the mob and the special constable guards again returned the fire before a riot squad unit arrived, sending the youths scattering.

Mr Lobi said his special-constable guards had each fired "about five shots".

His daughter had been most upset by the explosions, but he had managed to placate both her and his wife by his "calm manner".

Mr Lobi, who was first elected as a councillor in 1983, attributed the attack to "jealousy because I do a lot for these children and their families. They've allowed themselves to be ruined by enmity, because I'm able to do these things for them", he said

Mr Lobi said it was the sixth attack on his home since March 4, 1986.

"I'm made of steel. Nothing shocks me any more "

A spokesman for the Police Public Relations Division in Pretoria said that shortly before 8pm a petrol bomb was thrown at the front of a councillor's home in NY 72, Guguletu, and a hand-grenade was thrown at the back of the house

Windows had been broken and the car slightly damaged

"A tyre was burnt and the petrol tank was damaged by shrapnel," he said

He "understood" that the councillor was at home at the time of the attack, the spokesman said.

'Take off the blinkers now!'



A DIEP RIVER father took his teenage daughter to Pollsmoor Prison last week to start a 12-month jail sentence for public violence — the day after he publically urged people to "join the liberation struggle".

William "WJ" de Klerk, father of 19-year-old Venecia, told SAHM VENTER how he changed from the father who refused to communicate with his daughter throughout her eight-month trial to a "new person" who is driven to inform others of what is really happening in South Africa.

"I WAS wearing blinkers," said De Klerk a grandfather and father of five children.

His daughter Venecia, was one of the 'Wynberg Seven' who had to go to jail after the failure of appeals against their sentences for public violence. They had been charged following a "stone-throwing" incident in Wynberg in 1985.

Awakened

"The blinkers made me see no further than my own front door. I could never, ever see the real reason why the children took the stand they did," said De Klerk, a building contractor

He said that by nurturing a "coloured" middle class, the Government had conned the people. "They created something that blinded us — our comfort.

De Klerk talks with the fervour of a man who has awakened from years of sleep into a different world.

"I used to think 'I'm all right, so bugger you Jack.' If you want to fight the government, go fight the government. It's not interfering with my life," he said.

Unlike the other parents, De Klerk wanted nothing to do with his daughter when she was arrested. Venecia was then aged 17 and in matric at South Peninsula High School.

"My attitude was that she can honestly and truly stay there and fend for herself."

He didn't attend one court hearing throughout the eight-month long trial and never once consulted with the attorneys.

Around the same time his son "narrowly escaped serious injury" when a brick was hurled through the window of the car. "We weren't very happy about it. But now I have taken a broader attitude," he said.

"Today I want to continue to talk to people about the situation in our country. I see it, I can understand it. It is silly to ban the truth."

"When I heard the children had been sentenced to between three and five years, I nearly fell on my back. I expected them to be cautioned and discharged," De Klerk said.

"I couldn't get to the Wynberg Magistrates Court fast enough when I was told they may get bail," De Klerk said "I felt I had to contribute."

'I told them that the second astronaut to go to the moon was asked: "Aren't you afraid of the unknown?" He replied: "I'm not afraid, because I have made my peace with my creator" Venecia assured me, she has made her peace.'

It was only when he was asked to speak on behalf of the parents at a Cape Youth Congress (Cayco) rally in Wynberg two weeks ago that he made a public stand.

"I told them that the second astronaut to go to the moon was asked: 'Aren't you afraid of the unkown?' He replied: 'I'm not afraid because I have made my peace with my creator'. Venecia assured me, she has made her peace."

De Klerk had given his situation "very deep and serious consideration" after early morning communion and then mass on the eve of his daughter beginning her jail sentence.

"I didn't know that I was going to be bold and brave enough to open up in public. But I didn't wink an eye when I got going and I'm not sorry," De Klerk said.

"Thank God the blinkers are gone, because now I'm concerned with the person around me, at the back of me and the person further than my front door."

He urged parents of high school children to "let go of the blinkers, if you are still wearing them.

From being the "odd-man out" at the Wynberg Crisis and Relief Centre who could not accept political activities, De Klerk feels there is a role for him.

"For the rest of my life, I'm going to get people who've still got the blinkers on, to get rid of them

"I believe I can contribute towards a just society and a non-violent one," he said.

Since that Sunday De Klerk, who was previously "politically minded" rather than politically involved, attended various meetings. He heard Dr Allan Boesak speak for the first time. Three days later he attended a service addressed by Archbishop Desmond Tutu. "He's quite a nice man — not as ugly as the papers make him out to be," he said.

After the interview De Klerk had to rush off to a Call of Islam meeting ("I was really impressed with the support from the Muslim community").

Darkness had fallen on the middle class suburb of Diep River. As he walked me outside to say goodbye — he stopped and whispered: "Can you feel the peace? ... It's the blinkers".

(275) South 18-23/6/87

Editor, reporter face PE court judgment

Own Correspondent

PORT ELIZABETH. — Judgment in the case involving the editor-in-chief of the Eastern Province Herald and a former Herald reporter, arising from the alleged publication of untruths about the South African Police, will be given in the Regional Court here today.

Mr J C Viviers, editor-in-chief of the Eastern Province Herald, Evening Post and Weekend Post, and Miss Jo-Ann Bekker, who worked as a general reporter on the Herald in 1985 when the alleged offence was committed, are charged under Section 27 (b) of the Police Act.

Miss Bekker is alleged to have written the untruthful report.

Mr Viviers is appearing as representative of the publishers and distributors of the Eastern Province Herald in which the report appeared.

The case arose from a report in the Herald of February 4, 1985, concerning alleged police actions in the Cradock township of Lingelihle

Two days after the trial started on June 8, a third accused, Herald reporter Miss Debbie March, was acquitted. The magistrate, Mr G Steyn, said she had simply been asked to contact the police for their comment. The court could not by any stretch of the imagination see that she had a case to meet.

An application at the same time for Miss Bekker's acquittal was rejected.

On Tuesday, Mr Wim Trengrove, for the defence, asked for the acquittal of both accused, for the following reasons·

☐ The report in question contained no untruths, but merely reported claims or allegations made by identified sources, whether or not these were true.

☐ The claims and allegations were in fact true or substantially true.

Mr Henning van der Walt, for the State, submitted that Miss Bekker's own evidence proved beyond a reasonable doubt that she intentionally wrote false allegations concerning police action in the report, and had seen her task as reporting the case of the residents of Lingelihle township.

CAPE Times 20/6/87

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Police Act: Reporter, paper fined

PORT ELIZABETH. — A former Eastern Province Herald reporter, Miss Jo-Ann Bekker, was fined R200 (or one month) and the newspaper's owners, South African Associated Newspapers, (now Times Media Ltd) R100 by the PE Regional Court yesterday following their conviction under the Police Act.

Both sentences were suspended: Miss Bekker's for three years and that of the company (which was represented by the Editor-in-Chief of the Eastern Province Herald, Evening Post and Weekend Post, Mr J C Viviers) for a year.

Miss Debbie March, also employed as a reporter on the Herald, was initially charged as well but was acquitted at the end of the State case due to lack of evidence against her.

All three pleaded not guilty at a previous hearing in the Cradock Magistrate's Court on March 31 this year.

The case follows a report in the Herald on February 4, 1985, in relation to action by the SA Police in a Cradock township.

They were alleged to have published statements without reasonable grounds for believing them to be true.

Passing judgment yesterday, the president of the Regional Court, Mr G Steyn, found that some of the statements in the report were untrue.

He said Captain Gouws, the district officer in charge of unrest matters who also testified on events that gave rise to the teargas incident at the church, was an exceedingly convincing witness who appeared to be honest, fair and sincere.

His evidence was corroborated by the Cradock station commander, Lt Goosen, who also appeared credible.

It was clear from Capt Gouws's evidence that none of the three teargas cannisters fired into the air to disperse the crowd had entered any building. However, teargas had entered the church buildings quite extensively.

After full consideration of the evidence, the court found that the police had not attacked the church, but had acted against a crowd that gathered near the church after the arrest of Mr Madoda Jacobs.

The court therefore found the implication from the report that the church had been the target of a deliberate police attack, had been a complete fabrication, Mr Steyn said.

In mitigation of sentence, Mr Wim Trengove, for the defence, submitted that Miss Bekker had been working under great pressure at the time and that this report which had been found lacking had been one of many she had done on the unrest situation in the Eastern Cape at the time.

In this context, the carelessness the court found she had been guilty of paled into relative insignificance, he said. — Sapa

CITY/NATIONAL

ence cuts off thousands from health and health-care services

eport on the ill-effects of unrest

Correspondent

BURG. — A chilling account of nd impact of political violence nd health-care services in six townships of Cape Town has nted in a report by the the Medh Council (MRC) of SA.

., the first of its kind in South lights severe disruptions and d on formal, informal and vol- services during a three-month eight of political unrest in the t year.

60 000 people were dislodged omes during the uprisings, and ows that, as a result, thousands dwellers were unable to make health service facilities for hyberculosis, immunisatisons and d post-natal treatment.

s the disruption caused to an- services such as water supply, ing, sanitation and transport, its problems experienced by ducting routine work in affect-

The report was compiled by Dr Derek Yach, an epidemiologist with the MRC, and was released recently at a conference in Cape Town of the Epidemiological Society of Southern Africa.

It shows that

● About 40 000 people in Old Crossroads township — making up 40 percent of the population — were deprived of primary health-care facilities when unrest was at its highest peak.

● About 10 000 people in the KTC squatter camp and in Crossroads reported a disruption to the routine collection of bucket toilets, the provision of housing and shelter and the availability of street lighting and transport for health workers and the community. They were unable to gain access to any of these facilities.

● If such a disruption had taken place in mid-summer (the report applies to conditions from May to July) there would have been a real danger of an epidemic of waterborne infectious diseases.

● Many nurses were prevented by political violence from making home visits, and midwives were greatly concerned for mothers and babies born at maternity obstetric units — from which both were discharged only six hours after delivery.

The report found that the overall injury rate in the camps was 44.7 out of every 1 000 people, though it was twice as high in three of the six townships.

In KTC, 44 of all injuries were gunshot related, and in Old Crossroads 38, which meant that more than 4 000 people in just two camps were injured in this way in one year.

In a separate study in the tent town of Khayelitsha, undertaken by the department of community health at the University of Cape Town, it was found that 33 people were sharing one bucket toilet and 490 one tap.

The population (5 000) was increasing at the rate of 100 a week and were accommodated in 23 rows of tents.

Almost 28 percent of pregnancies occurred in the 15-year to 17-year age group and the high birth-before-arrival rate (25) showed that women did not have access to obstetrical facilities.

The report found that there was a widespread impact of political violence on community health and on the delivery of health services, particularly at Old Crossroads and KTC.

It points out that while the survey (1 545 township households were visited) was limited to short-term effects of such violence, further studies were needed urgently to aid health planners to decide how to adapt the provision of routine services during periods of unrest.

These essentially relate to the vulnerability of clinics and hospitals, and the disruption caused to ancillary health services, such as water supply and sanitary provisions.

The townships surveyed were Old Crossroads (population 100 000), KTC, Guguletu, Langa, Nyanga and Khayelitsha.

Copies of the MRS report were sent to the Department of National Health and Population Development; the Departments of Health of the Cape Town City Council and Cape Divisional Council; the SA Red Cross Society and to all major hospitals and universities in the Cape.



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Cape Times man appears in court again

Cape Times 23/6/87

Court Reporter

THE deputy news editor of the Cape Times, Mr Tony Weaver, appeared briefly in the Regional Court yesterday and was informed that his trial will continue tomorrow

Mr Weaver has pleaded not guilty to a charge of making false statements to the BBC in connection with a shootout in Guguletu where seven alleged ANC guerillas were killed on March 3 last year.

The court heard that due to the illness of the prosecutor, Mr S Schrock, the trial would resume tomorrow.

Mr J M Lemmer was the magistrate. Mrs C Alexander prosecuted. Mr J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

4 000 squatters hurt 'in gunfire'

By CHRIS ERASMUS

ABOUT 4 000 residents of KTC and Crossroads were injured by gunfire in 1986, a medical study has found.

The Medical Research Council's report, delivered during the recent conference of the Epidemiological Society of Southern Africa in Cape Town, showed that in the "high impact areas" of Old Crossroads and KTC squatter camps, three times the number of gunshot injuries were reported, as compared with Guguletu, Nyanga, Langa and Khayelitsha.



SQUALOR . . . Mrs Elsie Masoka with two-year-old Johannes Sam and his sister Lungiswa, 4, at a rubbish near the shacks where they live. Conditions such as these were made worse during the unrest in Cape Town's black suburbs last year.

In KTC and Old Crossroads the overall injury rate per 1 000 was 88,6, with gunshot injuries for these areas calculated at 35,6/1 000. Comparable overall injury and gunshot rates for Guguletu, defined in the report as a "medium" impact area, were 88,9/1 000 and 15,3/1 000 respectively.

In the remaining black areas, said the report's author, Dr Derek Yach, the overall injury and gunshot rates were 34,5/1 000 and 5,4/1 000 respectively.

In all, about 4 000 people received gunshot injuries during 1986 in Old Crossroads and KTC, with a "significant proportion" likely to have received these wounds as a result of political violence.

Dr Yach found that many of those who received gunshot injuries were not treated by hospital and clinic services and recommended that further surveys be conducted to establish the long-term impact of such injuries.

But the study, which covered 1 545 households, also revealed that apart from direct consequences of unrest like gunshot and other injuries, many other health-related problems were experienced among Cape Town's black communities. This was related to the displacement of some 60 000 people from their homes during this period

Respondents in the KTC, Old Crossroads and Guguletu areas all reported higher rates of fear and anxiety as a result of the unrest than in the other areas in the study.

They also experienced depression, diarrhoea, constipation, nightmares, increased use of drugs such as tobacco and alcohol, tiredness and a host of other physical and psychological symptoms of distress.

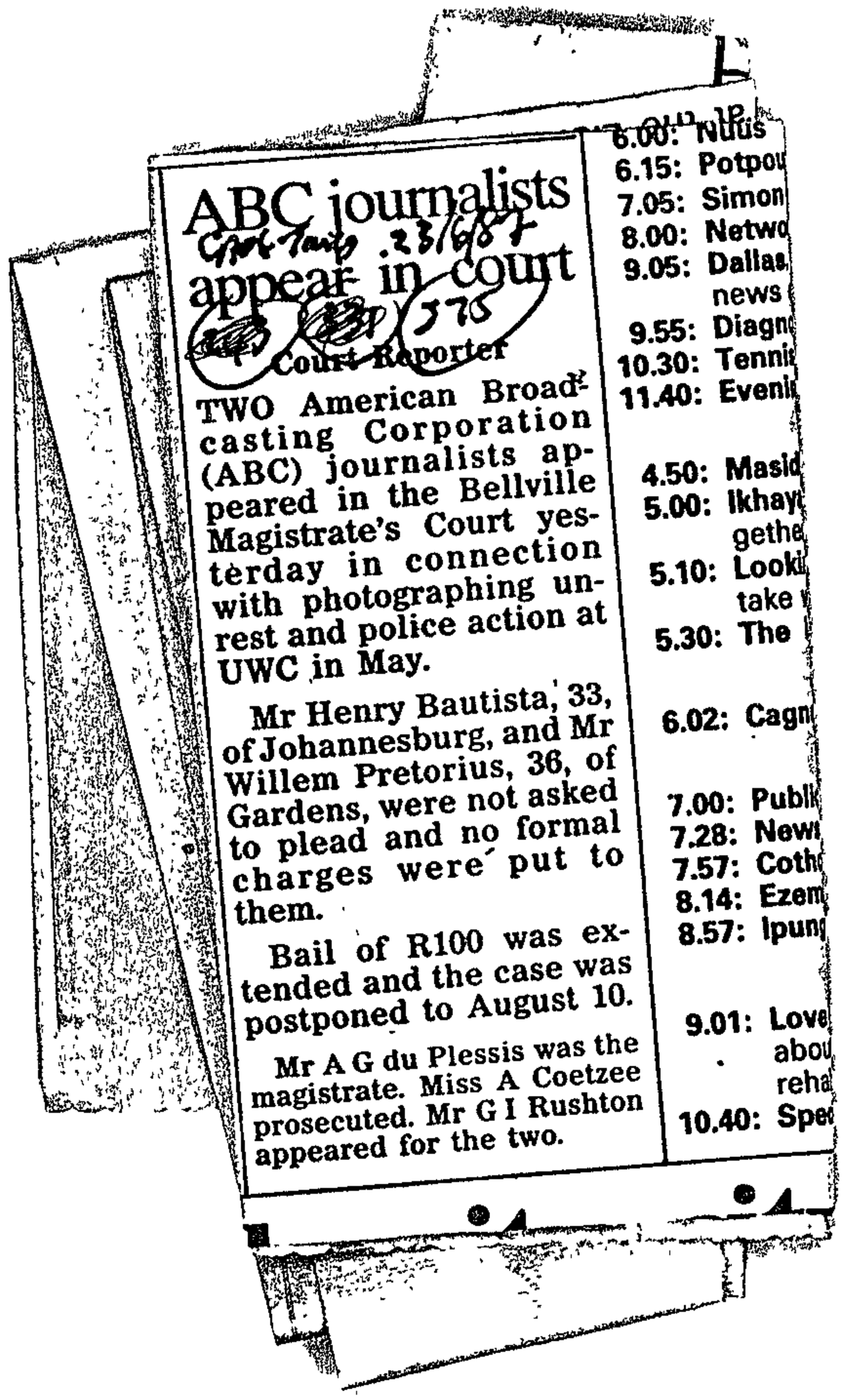
Old Crossroads and KTC residents also reported increased problems in receiving treatment for tuberculosis, hypertension, immunization for their children as well as ante and post-natal care

In addition, the two "high impact areas" were worst affected by disruptions to basic services such as transport, water, bucket toilet removal and street lighting

At least a third of all households in KTC and Old Crossroads, housing about 10 000 people, reported problems with the removal of toilet buckets during May to July last year, while just under a third of the households in the two squatter camps reported that they had difficulties in obtaining clean or sufficient water.

About 40 000 people in both Old and New Crossroads were deprived of their usual primary health care with the closure of the Empilisweni Sacla clinic at the height of the unrest, while many others experienced problems in getting to the various day hospitals and clinics which service the black townships.

□ Another report at the same conference, undertaken by a researcher in the nursing department of the University of Cape Town's Medical School, showed that many of the nurses working in Cape Town's black townships worst hit by political violence last year had transport problems, had experienced threats to their personal safety and had reported disruptions to nursing and ancillary health services.



ABC journalists appear in court

Court Reporter

TWO American Broadcasting Corporation (ABC) journalists appeared in the Bellville Magistrate's Court yesterday in connection with photographing unrest and police action at UWC in May.

Mr Henry Bautista, 33, of Johannesburg, and Mr Willem Pretorius, 36, of Gardens, were not asked to plead and no formal charges were put to them.

Bail of R100 was extended and the case was postponed to August 10.

Mr A G du Plessis was the magistrate. Miss A Coetzee prosecuted. Mr G I Rushton appeared for the two.

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7 hurt in grenade attack

By RONNIE MORRIS

SEVEN policemen, including five special constables, were injured in a hand-grenade attack on a police patrol at the KTC squatter camp near Nyanga yesterday.

A spokesman for the Police Directorate of Public Relations in Pretoria last night said the policemen were on patrol in the KTC area when an unidentified man threw a hand-grenade at them at 6.20pm.

Police gave chase and several shots were fired, but the man escaped.

The spokesman did not clarify whether the policemen were patrolling on foot or in a police van, or how many shots were fired at the attacker.

He said a police sergeant and a special constable were admitted to hospital and another policeman and four special constables were discharged after treatment.

The spokesman said he did not know which hospital the men were taken to and the names of the injured policemen were not available. He also gave no details of injuries.

The motive for the attack and the type of hand-grenade used were also not known, but police investigations were continuing, the spokesman said.

X-roads residents flee

Cape Times 24/6/87

Staff Reporter

LATE last night residents of Crossroads and KTC were reportedly fleeing the area with their belongings as rumours of more vigilante action spread.

Mr Jan van Eck, PFP MP for Claremont, said he had received reports that squatter homes on Oscar Mpetha Square in Nyanga were being burnt down and that KTC residents were evacuating their homes.

He said he had contacted the Divisional Commissioner of Police for the Western Cape, Brigadier Ronnie van der Westhuizen, to ask him to provide protection for these people to prevent loss of life and possessions.

Tensions rise after 'witdoek threats'

By CHRIS BATEMAN

TENSIONS rose in the Nyanga area yesterday after conservative witdoeke gathered in Old Crossroads overnight and allegedly broadcast threats to "destroy the stone-throwers".

Their threats scared nearby Nyanga Bush women and children and many went into hiding.

In KTC yesterday morning, squatters whose homes were flooded by recent rains were prevented from rebuilding on land vacated during last year's fighting.

The Divisional Commissioner for the Western Cape, Brigadier Ronnie van der Westhuizen, yesterday issued a Government Gazette notice reimposing last year's ban on "unauthorized people" entering "cleared" land.

The notice applies to "open, cleared or unoccupied ground" bordered by Mahobe Avenue, Klipfontein Road and Lansdowne Road in Nyanga Extension 3 and open, cleared ground bordered by Terminus Road, NY78, NY5 and the "Great Dutch Crescent" in Nyanga.

The brigadier's written permission is required for any presence in the areas.

The land referred to was occupied before last year's extensive violence which left about 100 people dead and 60 000 homeless

Squatters said they feared a repeat of last year's fighting.

Brigadier Van der Westhuizen assured Mr Jan van Eck, Progressive Federal Party MP for Groote Schuur, on Tuesday night that he would not tolerate a repeat of last year's violence. A police spokesman confirmed the brigadier's assurance.

Residents of the Nyanga Bush camp opposite Old Crossroads yesterday said that large groups of witdoeke gathered in Old Crossroads about midnight on Tuesday, broadcasting the threat to "destroy stone-throwers".

Police had arrived after some squatters had grouped and others had fled.

Mr Van Eck and Mrs Val Rose-Christie, of the Unrest Monitoring Action Committee, said after touring squatter camps yesterday that a pattern similar to last year's build-up to fighting was evident.



UNREST MONITORS . . . Mr Jan van Eck, MP for Groote Schuur, and Mrs Val Rose-Christie, of the Unrest Monitoring Action Committee, chat to squatters in Nyanga Bush after rumours of threatened violence yesterday. Picture GLENN SHERRATT

Killers 'lucky not to go to gallows'

JOHANNESBURG. — A judge yesterday sentenced a woman and two young men to life imprisonment and six others, aged between 16 and 33, to between five and 15 years for the murder by fire two years ago of a woman alleged to be a police informer.

They were convicted of murdering Ms Maki Skosana, 23, after a funeral in Duduza on June 20, 1985. They had accused her of being a police informer.

The three sentenced to life imprisonment are Sanna Twala, 24, Linda Hlophe, 28, and Daniel Mbokwane, 23.

Most of the evidence was based on television film shot by a foreign network. The film, widely screened abroad and in South Africa, showed the young woman being burned to death.

Young men and woman, whose faces were clearly visible on the video tape screened in court, dropped large rocks on her chest as she lay writhing on the ground and screamed for help.

Mr Justice J Hartzenberg said the three sentenced for life were ringleaders and were lucky not to be sent to the gallows.

Four other adults were jailed for terms of 10 and 15 years.

A girl, aged 14 at the time of the murder, was jailed for five years, with half the sentence suspended for five years. A boy who was then 15 was jailed for 12 years.

Ms Skosana was murdered at the height of the unrest and a day before President P W Botha imposed emergency rule for the first time on June 21, 1985. — UPI

'Calm' after five explosions

JOHANNESBURG. — It was business as usual yesterday in Malelane, the Eastern Transvaal town near the Mozambique border where five mini-limpet mines exploded on Tuesday night.

Four bombs planted in refuse bins outside town-centre shops and another at the railway station exploded between 7.30pm and 8pm at 10-minute intervals, said a police public relations spokesman.

Nobody was injured in the blasts and storekeepers said damage was confined to broken windows.

Some Malelane residents interviewed were unruffled by the drama. "Explosions aren't news any more," said one.

However, many residents of the small community on the southern border of the Kruger National Park have been shocked by the blasts.

Mrs Annatjie Lugar, whose florist shop was damaged by one of the mines, said that although she deplored the action, the latest explosions would make the townsfolk more aware.

"We had a few landmines a while back and were sort of expecting something to happen again sooner or later."

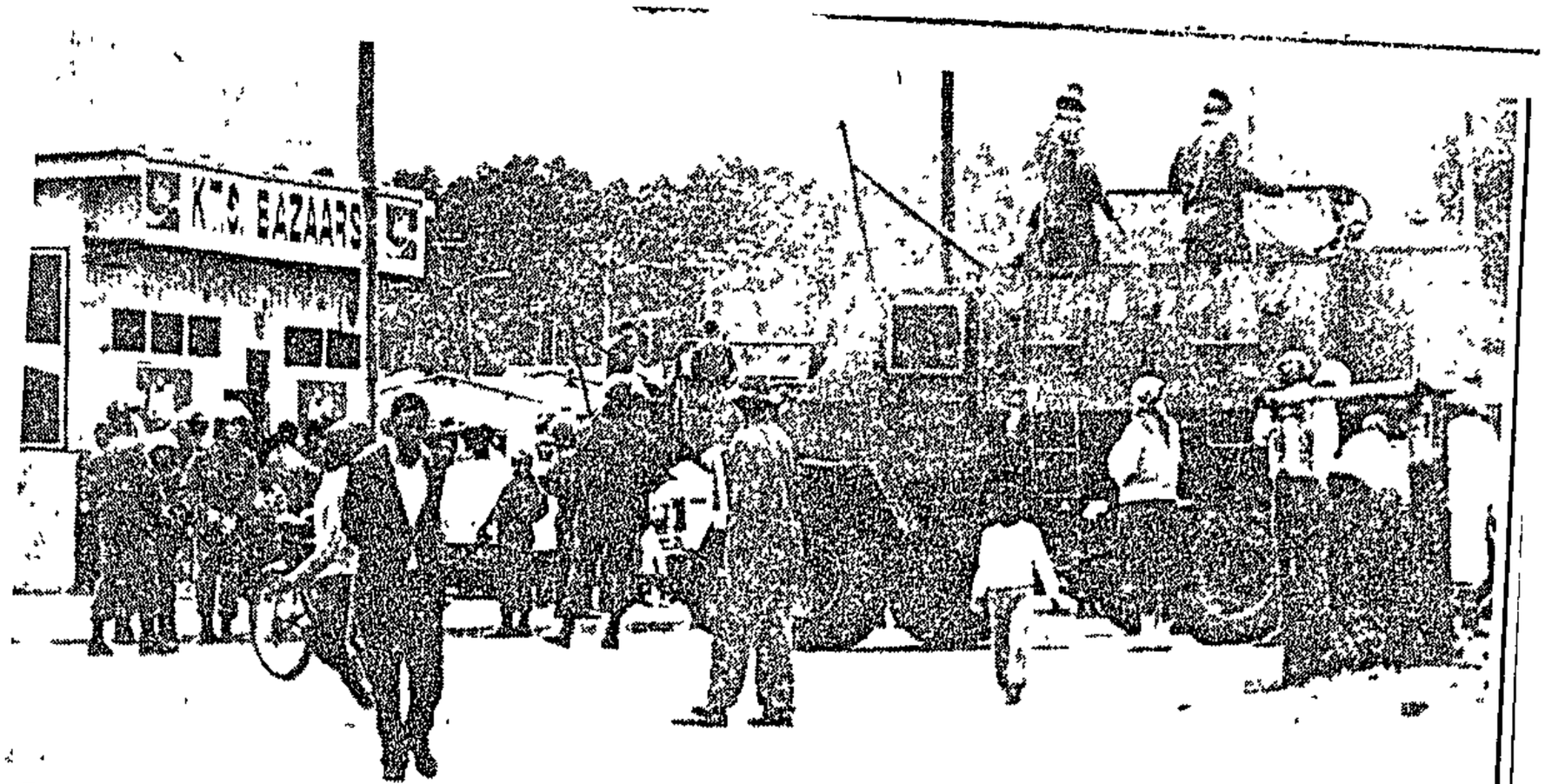
Mrs Lugar said she was usually still in the shop at the time of the blast (7.30pm), but she had fortunately gone home early on Tuesday evening.

□ Police said in their national unrest report yesterday that two men were burnt, one seriously, in petrol-bomb attacks on vehicles in Nyanga on Tuesday night.

The 42-year-old driver of a delivery van received serious burn wounds and his passenger, a 23-year-old man, minor burn wounds, said the report.

Nobody was injured in another petrol-bomb attack on another vehicle.

"At KwaZakele (Port Elizabeth) a coloured man was slightly injured when a group of construction workers were stoned by a group of blacks." — Own Correspondent and Sapa



TOWNSHIP CRIME SWOOP ... Security forces move into position for the massive crime-prevention operation at KTC yesterday.

Crime raid at KTC

Cape Times 26/6/87 275

By CHRIS BATEMAN and JOHN van der LINDEN

AT LEAST 110 KTC residents were yesterday held in the biggest security force crime-prevention swoop in a black Peninsula township this year.

Dozens of Casspirs, Buffels and police vans surrounded the squatter camp about 10 30am Soldiers and policemen then moved in to begin house-to-house searches.

Several youths fled into Guguletu minutes before a police helicopter began to circle the squatter camp.

A police spokesman said that by early evening all but 14 of the 110 suspects had been released. He said 800 security force members had taken part in what he said was a "routine crime-prevention operation".

The swoop follows Monday's grenade attack near KTC which left seven policemen slightly injured, and two attacks on vehicles near KTC on Tuesday in which two people were hurt Last week the wife and daughter of Guguletu community councillor Mr Denys Lobi, and two special constables, were hurt in successive grenade attacks on his NY 72 home.

Security force members yesterday handed out pamphlets to residents describing the crime-prevention operation as a search for stolen property and unlicensed firearms and ammunition. The pamphlets said the swoop was an attempt to "identify suspects and arrest them" and promised residents rewards for information leading to arrests and convictions "We rely on you, the concerned citizen, to help us identify suspected arsonists, petrol bombers and stone throwers," it said

It said the swoop was necessary to maintain law and order and to "protect you from troublemakers".

Members of the Peninsula Reaction Unit confronted several local and foreign news teams and escorted them out of Guguletu.

The raid ended about 1 30pm and security forces withdrew as small groups of residents danced in the streets

No shots or teargas canisters were seen being fired by security forces during the operation

The 14 suspects were charged with possession of dagga and mandrax, public violence, car theft, and murder Police had confiscated "suspect" television sets, electricity generators, radios, hi-fi sets, a "walkman" and two cars, the police spokesman said

A spokesman for Guguletu Day Hospital said no residents with injuries which could be attributed to the operation had been treated.

The raid came a day after the Divisional Commissioner for the Western Cape, Brigadier Ronnie van der Westhuizen, issued a Government Gazette notice banning access to the KTC land which was cleared and levelled after last year's violence.

Black talks: Govt's dramatic new move

Cape Times 26/6/87

Political Staff

IN A dramatic new gesture to get negotiations with black leaders off the ground, Dr Stoffel van der Merwe, who was recently appointed to spearhead the drive, said yesterday that he would be prepared to talk to people in jail or detention.

Dr Van der Merwe, who was appointed Deputy Minister of Constitutional Planning by the State President, Mr P W Botha, last month to head the negotiations, also said he would not demand that black leaders renounce violence before talking to them and that he would not rule out speaking to "elements" of the UDF.

Dr Van der Merwe's conciliatory approach reflects a significant shift in government thinking It seems determined to initiate discussions with a far wider range of black people and organizations than ever before, including organizations strongly opposed to government policies.

But he would "think twice" before speaking to someone who was publicly committed to violence

□ Interview, page 12

Death sentence for necklace 6

PORT ALFRED. — Six people were sentenced to death on Wednesday at a special sitting of the Supreme Court here for the "necklace" murder of a 19-year-old woman, Miss Nosipho Zamela, in Queenstown in December 1985.

The six people sentenced to death are: Mzwandile Gqeba, 22, Wantu Salinga, 27, Lundi Wana, 20, Thembinkosi Press Fiti, 30, Mzwandile Roro Mninzi, 27, and Monde Trevor Tingwe, 23.

A seventh accused, Thozamile Bacela, about 19, was convicted of murder but sentenced to 20 years.

A number of other people were given prison sentences after they were convicted of assault with intent to do grievous bodily harm. — Sapa

UDF man hacked in fresh fighting

Cape Times 30/10/82

Own Correspondent

PORT ELIZABETH. — Mr Emson Banda, a prominent Uitenhage member of the United Democratic Front, was in the intensive-care unit at Livingstone Hospital last night after being hacked with pangas in KwaNobuhle township on Sunday night.

On Sunday a spokesman for the Africanist organization Ama Afrika reported the murder of two of its members on Saturday night, allegedly by members of the UDF — a claim which the Front denied.

The dead men were named as Mr Kentyu Matshaka, a student at Vista University, and Mr Kwekwe Ntantiso, according to Mr Joseph Maliwa, a spokesman for Ama Afrika also known as African Peoples' Concerned Committee.

According to Mr Ray Mde, a spokesman for the UDF, Mr Emson Banda, president of the Uitenhage Residents' Congress, who was recently released from detention, was abducted on Sunday night by a group of men who arrived by taxi. He was then beaten up and hacked with pangas.

Mr Mde denied that UDF was responsible for the death of two members of APCC.

CAPE TIMES
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sday, June 30, 1987

Boy, 15, shot from Casspir, court hears

Court Reporter

A 15-YEAR-OLD Mitchells Plain boy was shot in the eye from a Casspir on his way home from school, the Wynberg Civil Court heard yesterday.

The boy's father is suing the Minister of Law and Order for R5 000 for injuries, pain, suffering, disfigurement and loss of amenities of life.

The boy lost his sight but is rapidly regaining it.

The court heard that he was returning from school when he was shot on August 30, 1985. He and an eyewitness, Mrs Muriel Jaftha, said members of the police and the army were on the Casspir.

The advocate for the Minister of Law and Order, Mr D Uijs, said the police had no record of the incident and suggested that one of the army members had shot the boy.

The acting officer commanding the Western Province Command, Colonel Barend Cronje, said it was normal practice for the army to accompany the police in a "protective role and not to get involved in the situation as such".

He said he could only guess the boy had been shot by the police and it was highly unlikely that he was shot by a SADF member.

He said there was no record of the army operating in Mitchells Plain on that day. "I doubt that there would have been action without our knowledge, but there may have been human error."

Col Cronje said the army did not use Casspirs but used Buffels. The control of unrest situations was a police task and the army only helped out, but the police could have asked for help via headquarters.

He said that in "abnormal" situations the army used rubber bullets and teargas and if they acted in an operation it would have been on the instructions of the police.

The matter was adjourned to September 7.

Mr W Schagen was the magistrate Mr Uijs was instructed by the State Attorney. Mr D Potgieter, instructed by Mr A Dodson of Mallinick, Ress, Richman and Closenberg Inc, appeared for the boy's father.

Assault, rape bid 'barbarism of Dark Ages'

The Argus Bureau

PORT ELIZABETH. — A case with elements of the "barbarism of the Dark Ages" ended in the Regional Court here when four Ibhayi municipal policemen were jailed for indecent assault and attempted rape.

Regional Court president Mr G Steyn said what he had heard about the Ibhayi municipal police caused the gravest concern The lack of proper authority and regulations had obviously led to a complete breakdown and he trusted steps would be taken to set the matter right.

Before Mr Steyn was Senior Sergeant Keith Anthony Hackart, 28, Constable Leonard Nyamiso Puzi, 26, Constable Colburt Zwani, 24, and Constable Pelson Madolo, 24

Hackart was sentenced to 10 years' imprisonment for indecent assault, two conditionally suspended, and two years, to run concurrently, on the rape-bid charge. The other three were sentenced to six years each for assault and a year on the second charge. The sentences will run concurrently and three years of the first sentence were suspended.

Interrogation

The charges followed incidents during the interrogation of a man and a women at the municipal police offices in October The couple were arrested on suspicion of being involved in the burning of a municipal policeman's home.

Mr Steyn said the woman was physically assaulted and mistreated in the most sadistic way with a baton, causing her extreme pain The man was assaulted and forced to attempt intercourse with her but was rendered incapable by fear They were then forced to commit indecent acts with each other

Bady injured, they were locked up for a day without food or water

Pain, humiliation

Mr Steyn said it was the barbarism of the Dark Ages, "something we should have left behind a long time ago The pain and humiliation inflicted did not belong in a civilised society"

Earlier, a fifth member of the unit, Sergeant Francois Philip Swanepoel pleaded guilty to and was convicted on similar charges by another court He was jailed for eight years.

● The magistrate, Mr A W Meiring, severely criticised the municipal police system and suggested it be investigated. He said he was shocked by the responsibility vested in young, inexperienced constables

70 Aborigines died in custody — claim

The Argus Foreign Service

MELBOURNE — Twelve blacks dying in custody in seven months — the latest this week — would cause a world outcry if they had occurred in South African prisons, says Australia's Committee to Defend Black Rights

"The death rate of Aborigines in custody is now so high and accelerating so fast that a royal commission into 70 documented deaths can be denied only if this country is entirely racist," a spokesman said

Miss Vanessa Frost said Aborigines were terrified of being put into jail or police cells because they saw it as a possible death sentence

Crossroads leader shot — calls for calm

Cape Times 3/7/87

By CHRIS STEYN

A CROSSROADS community leader, who was shot in the back during a three-hour-long attack on his home on Thursday night, yesterday vowed to "avoid another war".

Mr Prince Gobingce, 44, head of the Crossroads Residents' Welfare Association and chairman of the Western Cape Squatters Residents Association, said from hospital yesterday that the attack on him could trigger renewed fighting. But he would try to avoid it.



WOUNDED . . . Crossroads community leader Mr Prince Gobingce in hospital.

"My followers are unhappy about the attack. But I don't want another war. I'll stop it," he said.

He had already instructed his followers not to fight, and would take the matter to the Supreme Court.

The drama started at 7.30pm on Thursday night when a man, whom Mr Gobingce identified as "one of Johnson Ngxobongwana's councillors", arrived at his house in Old Crossroads and confronted Mr Gobingce's wife, Florence.

The attack followed soon after his wife had told the man to leave.

"I suddenly saw bullets passing through the window. There were about 200 men outside. They stood there shooting at the house for three hours."

He said that when he went outside the mob started throwing petrol bombs. He was shot in the back as he tried to escape from a councillor armed with a 9mm pistol.

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Squatter heads want govt help

By CHRIS STEYN

ELEVEN squatter leaders yesterday called on the government to help a peace drive in Crossroads where dozens of people have died in running gun battles between factions since last year.

The leaders met to discuss forming a federation of squatter associations "to get rid of these factions .. black against black".

'Thousands dying'

Yesterday's meeting followed a three-hour-long attack on Wednesday night on the home of Mr Prince Gobingce, head of the Crossroads Residents' Welfare Association and chairman of the Western Cape Squatters' Residents Association. He is in hospital after being shot in the back.

"The leaders of Old Crossroads are fighting each other Every year thousands of our brothers are dying," said one of the leaders.

"We intend calling on them to establish peace. But if the government can't assist us, we can't achieve peace."

Another community leader said: "Only the government can stop the friction. They can stop the evil within two seconds."

The leaders said the battles between rival groups were continuing.

They said most of the battles stemmed from Old Crossroads, the territory of the newly appointed mayor, Mr Johnson Ngxobongwana.

"Since he became the leader in that site in 1979, the battles have been raging."

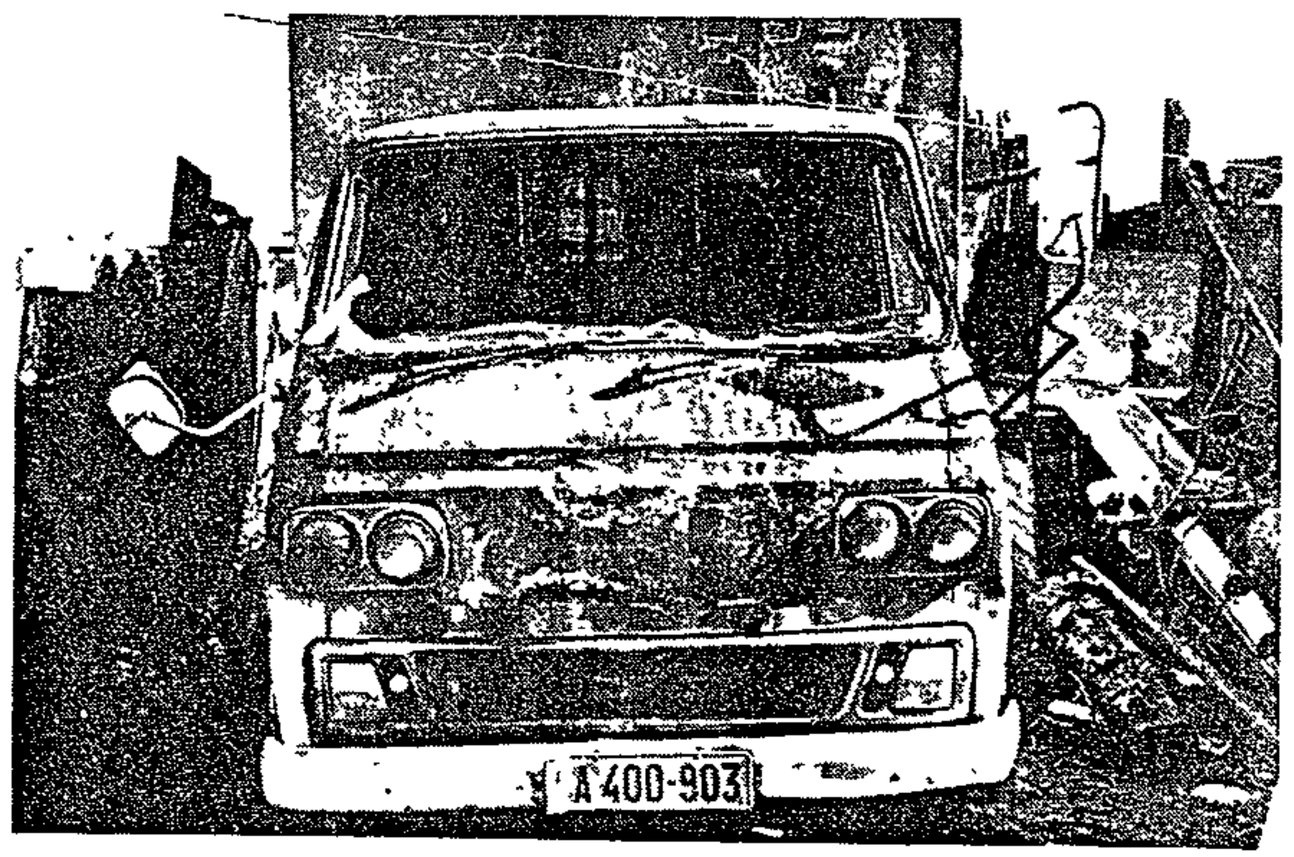
The proposed federation plans to call all the leaders in Old Crossroads to a "neutral" place for peace talks.

The community leaders criticized Mr Ngxobongwana for his apparent failure to "investigate battles and discipline those who are responsible".

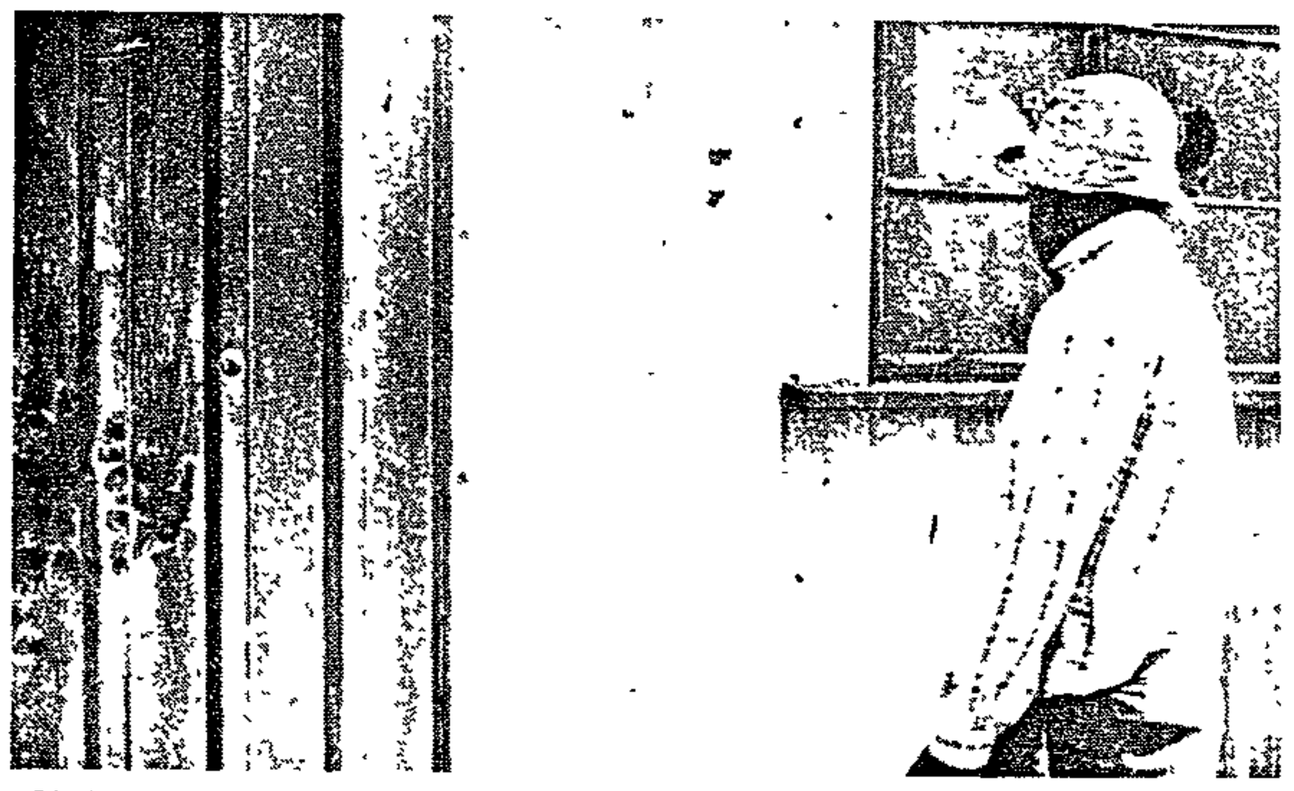
Federation

Yesterday's meeting was attended by Mr Sitemele, Mr Qukumba, Mr Jerry Tutu, Mr Sipika, Mr E Mjodo, Mr Bambi, Mr C Mlahlawa, Mr Toyise, Mr I Gwiliza, Mr Gawuleteta, and Mr Lobese.

The proposed federation will include groups from Portland Cement, KTC, New Crossroads, Nyanga Extension, a certain section of Old Crossroads, Site C — Section A and C, Site B — Section S, M, L, and N, and Site B — Zola Section.



BURNT OUT . . . Crossroads community leader Mr Prince Gobingce's new truck was gutted during an attack by about 200 men on his house on Wednesday. He was shot in the back. Picture: CHRIS STEYN



SHOT UP . . . Thousands of rands' worth of damage was caused when a group of men opened fire on the home of Crossroads community leader Mr Prince Gobingce on Wednesday night. A wall of the house is shown here. Picture: CHRIS STEYN

Crowd hacks man to death

Cape Times 6/7/87

Staff Reporter

A GUGULETU man was hacked to death by a panga-wielding crowd after a petrol-bomb attack on his house at the weekend. His wife was wounded in the attack.

The Public Relations Division of the South African Police said in its daily unrest report yesterday that "late yesterday evening (Saturday), a mob of arsonists petrol-bombed a house, causing damage.

"As the occupants left the house, shots were fired at them. One black female sustained injuries, and they (the mob) thereafter killed her husband with pangas. No arrests were made and police are investigating."

Two men wounded

Despite exhaustive inquiries, the Cape Times was unable to obtain further details about the incident.

A Peninsula police spokesman said the victim's name was unavailable. However, a senior spokesman for the Police Directorate of Public Relations in Pretoria said it would not be in the "two victims' interest" to release their names.

In another incident, two men were wounded when a Bloemfontein policeman opened fire on a group of people after a stone-throwing incident at his home.

In their unrest report, the police said: "In the black residential area of Botshabelo near Bloemfontein, a mob of stone-throwing blacks stoned the house of a member of the SAP, and two black males were slightly wounded when the constable dispersed the mob with bird-shot."

Police probe 'necklace' death

CAPE TIMES 6/7/87

Own Correspondent

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PORT ELIZABETH. — Police are investigating the possibility that a white man, whose smouldering body was found under a burnt car wheel near Soweto, Port Elizabeth, had been killed elsewhere before he was set alight on Saturday morning.

Police said the man had been stabbed repeatedly in his throat, chest, stomach and one of his legs.

A police spokesman said it was possible he had been killed elsewhere before he was taken to the scene of the burning.

"He could have been a hitch-hiker picked up by his killers. He could even have entered on his own to visit a shebeen in the area."

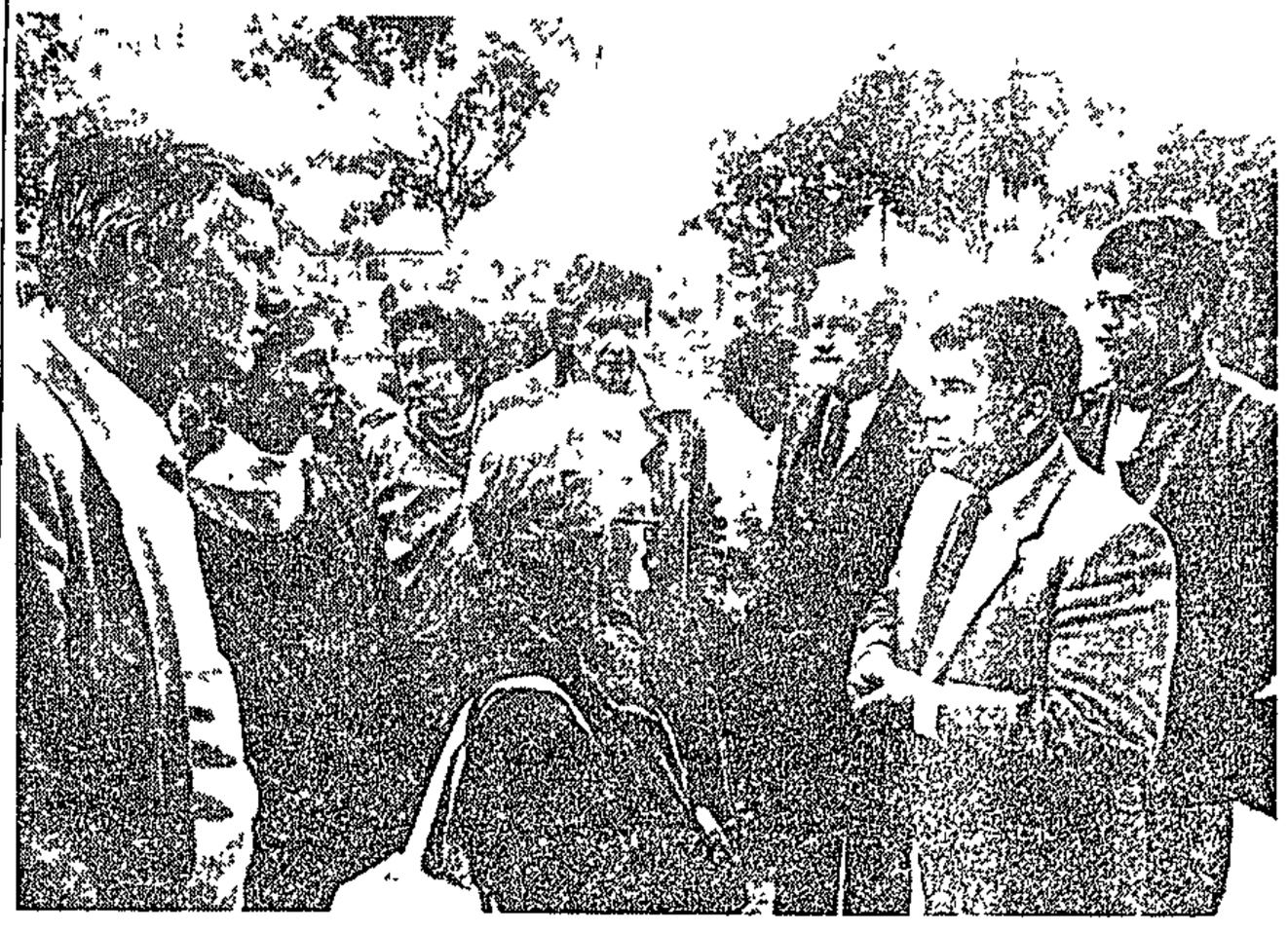
ARGUS 7/7/87

'Closed' Langa High pupils back in force



Picture: WILLIE de KLERK, The Argus

ABOVE: Pupils file through the gates of Langa High school today. BELOW: Among those at the school were Mr Jan van Eck, left, Mr Moosa Kaprey of the National Education Crisis Committee, and UCT vice-chancellor Dr Stuart Saunders.



Education Reporter

LANGA High pupils today ignored the closure of the school and returned to classes.

They were greeted by a high-powered group including Dr Allan Boesak, president of the World Alliance of Reformed Churches and University of Cape Town vice-chancellor Dr Stuart Saunders, who said they were there in a show of support for pupils, parents and teachers

The Department of Education and Training announced on Friday that the school would be closed until its 1 700 pupils — accompanied by their parents — re-registered over a six-day period

Matric pupils were supposed to register today when the new school term was due to begin

The school's parent-teacher-student association (PTSA), not recognised by the department, decided at the weekend to ignore the closure and urged all pupils to return as normal today

The decision was backed at a meeting of parents, teachers and pupils in the school quadrangle today

A memorandum reiterating the department's decision was read out by the acting-principal, Mr Duke Ngcukana, but it was decided classes would start

Among those outside the school as pupils filed through the gates were Mr Matt Esau, personal assistant to Archbishop Desmond Tutu, Mr Jan van Eck, Progressive Federal Party MP for Claremont, and representatives of organisations including the Black Sash and National Education Crisis Committee (NECC)

Dr Boesak said the key to the solution of the deadlock at Langa High was firmly in the hands of the department He warned the department to liaise properly with the community, which included the PTSA.

Mr van Eck said it was imperative that the department relax its stance and recognise the PTSA

The regional chairman of the NECC, Mr Moosa Kaprey, said the purpose of today's gathering was to show the department the extent of support for the PTSA, an NECC affiliate

Langa crisis: NECC warning

By ANDRE KOOPMAN

THE closure of Langa High School by the government has brought the situation in Western Cape schools "to the brink of an explosion", the National Education Crisis Committee (NECC) has warned.

And parents of all Langa High School pupils today accompany their children to the school in defiance of a government directive.

The 1 700-pupil school was closed with "immediate effect" on Friday by the Deputy Minister of Education and Training, Mr Sam de Beer, after a meeting with the school's interim committee.

In terms of the directive, only matric pupils and their parents were to report to school today to re-register.

But the school's interim committee decided on Sunday that pupils in all standards and their parents would go to school this morning — to report but not to register — as if it were the start of a normal school term.

This was confirmed last night by the committee chairman, Mr L G Daba.

Mr De Beer laid down a number of conditions to "obviate the need to close the school".

He said parents had to complete a standard application form at the beginning of the third term today and that they would have to accept that some pupils would be "relocated" due to "gross over-enrolment".

He also said "the irregular and unmerited promotion of pupils whose past scholastic attainments do not warrant such promotion cannot be condoned.

"Wherever necessary the department will determine the standard of attainment achieved by the pupils concerned by means of special examinations."

But parents and the National Education Crisis Committee (NECC) have rejected these conditions.

The interim school committee has said it could not accept these conditions because it were not in the interests of their children and education.

The NECC warned that the department's "inexplicable action" had brought matters at the school and in the Western Cape "to the brink of an explosion since Langa High is not an isolated incident".

A NECC spokesman said it appeared that one of the department's motives for setting some of the conditions was to "weed out" pupils regarded as "troublemakers".

Another possible motive was to reduce pupil numbers and to force them into schools in Khayelitsha, the spokesman said, adding that the NECC was investigating legal action against the department.

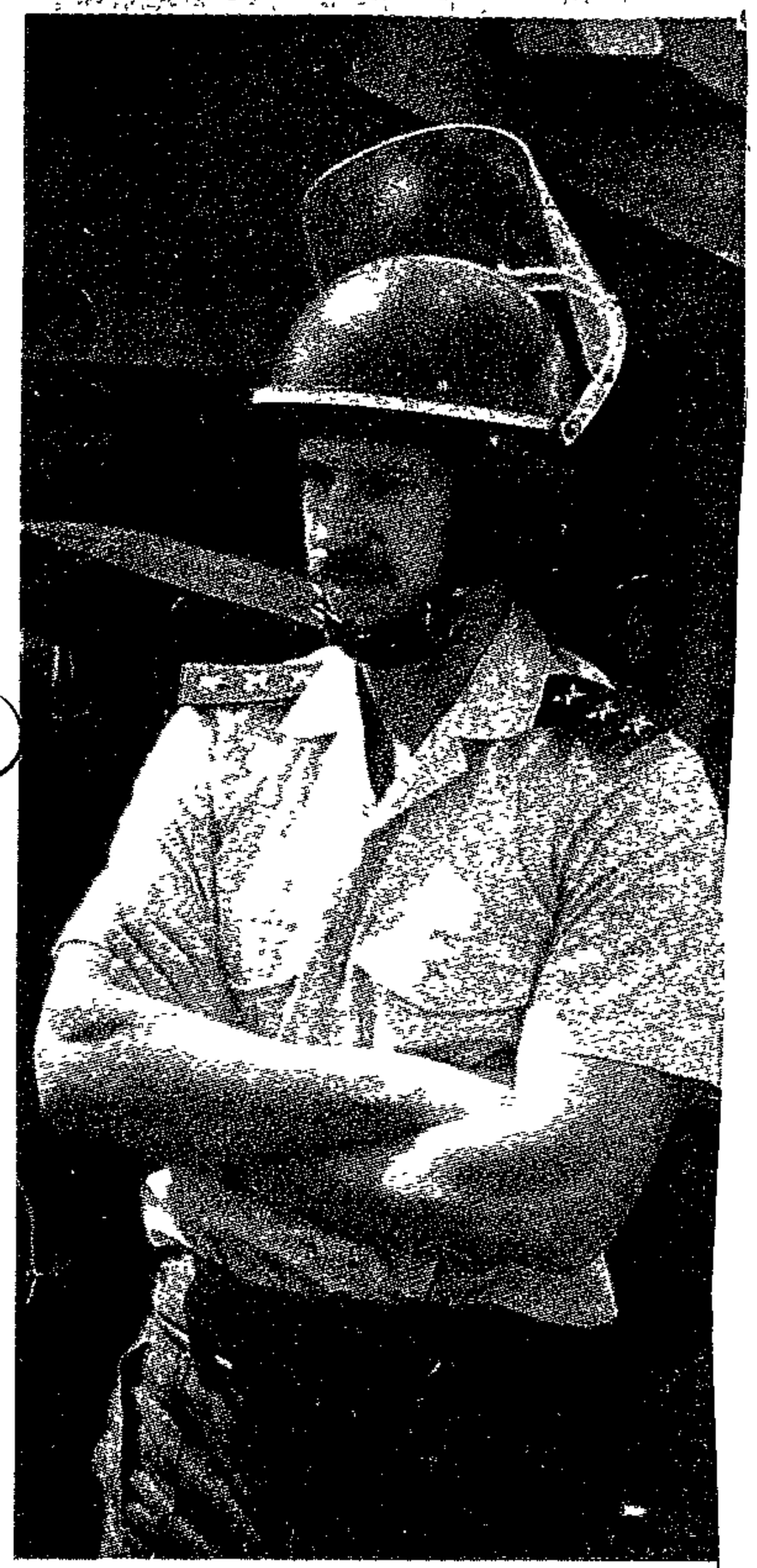
A spokesperson for the Black Sash last night said the DET's action appeared to be aimed at "simultaneously demoting those pupils who were promoted without writing examinations" and "solving the problem of glaring equipment shortages, simply by forcing a reduction in numbers and eradicating 'troublemakers'."

"According to reliable sources there is a very real and immediate danger of major conflict erupting in Western Cape schools.

"It is intolerable that bureaucratic recalcitrance should be permitted to produce a situation which holds such dangers of violent confrontation and needless tragedy," the spokesperson said.

Top riot policeman replaced

CAPE TIMES 8/8/87



UNDER INVESTIGATION ... Captain Ockert van Schalkwyk. Picture TONY WEAVER

By CHRIS STEYN and SHAUNA WESTCOTT

THE head of the Bellville unrest unit, Captain Ockert van Schalkwyk, has been replaced by another officer after being rebuked by two Supreme Court judges, one of whom said his conduct was "high-handed and unacceptable".

Police also confirmed yesterday that a top-level departmental investigation has been ordered by the Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen.

Captain Van Schalkwyk could not be reached for comment last night

A spokesman said that Captain Van Schalkwyk was relieved of his "unrest responsibilities" last week — even before the most recent criticism from Mr Justice L Rose-Innes, who ordered the immediate release of printer Mr Allie Parker, detained by the captain on June 12.

Following the rebuke, police had launched an investigation into the criticism levelled at Captain Van Schalkwyk.

'High-handed'

Mr Justice Rose-Innes described the captain's refusal to give Mr Parker reasons for his arrest as "high-handed and unacceptable". He also described as "unacceptable" the captain's unlawful threat to close Mr Parker's business and a statement made under oath that proved to be false

The captain's attitude and use of "unreasonable force" was also criticized two months earlier by another Supreme Court judge, Mr Acting Justice H P Viljoen

On April 23, this year, he awarded damages of R15 000 to a Belville South schoolboy who was 14 when he was shot in the back by Captain Van Schalkwyk on September 5, 1985.

Mr Acting Justice Viljoen found that the captain had used unreasonable force in arresting the boy after dispersing a group of young stone-throwers He criticized him for acting so drastically before making any attempt to chase the youths, shout a warning or aim a shot at their legs

Mr Acting Justice Viljoen also said the evidence of Captain Van Schalkwyk and one of his subordinates, a Constable Crous, showed they had gone to the scene "with the preconceived idea" of using an R1 rifle "to bring down people" who fled from them

Another controversial operation commanded by Captain Van Schalkwyk was the arrest and detention of an entire congregation at a service at St Nicholas's Anglican Church in Elsie's River on June 15 last year.

The entire congregation of 225 people, including Cape Times reporter Mr Andre Koopman, were detained All were released — the last after about three weeks

Captain Van Schalkwyk is also well-known to reporters and television newsmen, some of whom have been arrested by him several times.

In November 1985, a CBS TV crew was acquitted by a Bellville magistrate on a charge of failing to obey a police order to leave an illegal gathering after films showing their arrest — and contradicting the evidence of Captain Van Schalkwyk — were shown

Casspir used to crush shack in shootout, 2 die

Own Correspondent

PORT ELIZABETH. — Security forces used a Casspir yesterday to crush a shack in the black township of Motherwell, killing a suspected terrorist and a woman who were inside.

A small cache of arms was recovered.

Police had come under fire from the shack before the Casspir was brought in.

Acting on information, policemen went to a dwelling and when they attempted to enter, a number of shots were fired from inside which damaged the police vehicle.

Reinforcements were summoned. When these arrived, the occupants of the shack were ordered to come outside.

This request led to renewed firing. A Casspir armoured vehicle was then used to push over the shack. The bodies of a black man and a black woman, as well as arms and ammunition, were found in the shack.

The bodies have not been positively identified. The police investigation is continuing.

Cape Times 8/7/87

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SCHOOL AS USUAL . . . Mr L Dabe, chairman of the Langa High School interim school committee, addresses pupils and parents who yesterday defied the government's closure of the school. Picture GLENN SHERRATT

Langa: Education dept 'provocative'

Staff Reporters

PARENTS of Langa High School pupils yesterday urged education authorities to co-operate with its interim committee.

The parents and pupils returned to school yesterday in defiance of a directive by the Department of Education and Training on Friday that only matric pupils and their parents report yesterday.

Mr Danile Landingwe, who has two children at the school, said the registration of pupils as described by the DET was "unacceptable and provocative".

He said parents were eager that their children return to school "because this is the only place where they can receive instruction — whether it is rotten or not".

Another parent said parents were being "very reasonable" and "all we want is for our children to return to school. These inspectors must tell the department to co-operate with us."

As the pupils filed through the school gates, a delegation of religious, educational and community leaders stood in the school grounds.

They included Dr Allan Boesak; Dr Stuart Saunders; Mr Jan van Eck, (PFP MP for Claremont and chairman of their Western Cape Unrest Committee); Mr Matt Esau, personal assistant to the Anglican Archbishop of Cape Town, the Most Rev Desmond Tutu; Mr Yusuf Ebrahim, attorney and vice-president of Sacos; Mr Frank van der Horst, president of Sacos; Mr Jasper Walsh, PFP, MP for Pinelands; Professor Charles Villa-Vicencio; Mr Moosa Kaprey, Western Cape chairman of the National Education Crisis Committee; the Rev Pierre van den Heever, of the Western Province Council of Churches; and members of the Black Sash.

Parents were called into the school quadrangle and were addressed by the principal, Mr Duke Ngcukana, who read out a list of instructions brought to the school by two DET inspectors.

The instructions essentially repeated last Friday's directive from the Deputy Minister of Education and Training, Mr Sam de Beer.

Only ten teachers were required to be at the school while the rest had to attend a meeting at St Francis Cultural Centre, but parents rejected this and requested the teachers to remain at school.

Dr Boesak said after pupils had gone to their classes: "This situation could explode and very well have nationwide consequences if the DET insists on applying these stupid rules and if teachers and students are punished."

The onus was on the DET to defuse the situation and the only way to do this was to meet the "reasonable demands of parents and students".

Mr Moosa Kaprey, Western Cape chairman of the National Education Crisis Committee (NECC), said pupils showed "in an orderly and disciplined way that they have only their education at heart. The only obstacle in the way of schooling at Langa High is the department".

CAPE Times 9/7/82 225

Reign of unrest captain: More facts


Capt Van Schalkwyk

By CHRIS STEYN

MORE information about the reign of Captain Ockert van Schalkwyk, who has been replaced as the head of the Bellville unrest unit, emerged yesterday. He was relieved of his "unrest responsibilities" last week after being rebuked by two Supreme Court judges for his conduct.

The Cape Times obtained the trial record yesterday of a public violence hearing held in Goodwood Magistrate's Court earlier this year in which the Minister of Law and Order was ordered to pay R10 000 damages in an out-of-court settlement to the accused — a 17-year-old girl who was shot by Captain Van Schalkwyk.

The most recent criticism came from Mr Justice L Rose-Innes, who ordered the immediate release of printer Mr Allie Parker, who was detained by Captain Van Schalkwyk on June 12. He described the captain's refusal to give Mr Parker reasons for his arrest as "high-handed and unacceptable".

The captain's attitude and use of "unreasonable force" was also criticized two months earlier by another Supreme Court judge, Mr Acting Justice H P Viljoen, who awarded R15 000 damages to a Bellville South schoolboy who was 14 when he was shot in the back by Captain Van Schalkwyk on September 5, 1985.

Following the rebukes, the Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, ordered a top-level departmental investigation into the criticism levelled at Captain Van Schalkwyk.

In January this year, a 17-year-old Elsie's River girl, who may not be identified, appeared in court on a charge of public violence. She was shot in the leg by Captain Van Schalkwyk before her arrest.

After hearing the captain's testimony, the girl was acquitted. On February 2 this year, the Minister of Law and Order paid damages of R10 000 to her family.

Captain Van Schalkwyk admitted during cross-examination that he shot the girl without warning her to stand still — and before she started running.

According to the court record, he was cross-examined by Mr A A Chohan, who asked him: "And she walked all the time, she did not run at all?"

"She wanted to, she had increased her speed and even before she could break into a run, I shot her," said Captain Van Schalkwyk.

"But she had not run yet?" Mr Chohan asked.

"She had not run yet," said Captain Van Schalkwyk.

"You do have a loudhailer?" Mr Chohan asked.

"That is right," Captain Van Schalkwyk said.

"You did not use the loudhailer to tell the accused 'stand or I shoot' or something like that?" Mr Chohan asked.

"No, your honour," said Captain Van Schalkwyk.

"You also did not shout at the accused 'stand or I shoot', I mean, what I mean now is without the loudhailer?" the lawyer asked.

"No, your honour," the captain said.

Mr Jan van Eck, MP for Claremont and member of the Progressive Federal Party's Unrest Monitoring Committee, said yesterday that the action taken against Captain Van Schalkwyk showed that the role of the "Rambo-style" policeman was being whittled down and signalled a return to the "traditional law-and-order" policeman.

"I have, over the past three years, frequently drawn the attention of the police authorities to the fact that there were elements within the security forces who, instead of maintaining law and order, actually undermined law and order by the use of provocative and excessive force," Mr Van Eck said.

"I had the impression that those who used force were actually openly tolerated, and that policemen who would go out of their way to prevent confrontation by creating compromise and by attempting to negotiate with the people of the townships were being tucked away.

"The extent to which the role of the provocateur security force member or Rambo-style policeman is being whittled down is illustrated by the action taken against Captain Van Schalkwyk. And the peace-maker role of the traditional law-and-order policeman is being restored, as illustrated by the honorary rank conferred on Col I P S Terblanche — 27 years after the Philip Kgosana incident.

"It is further illustrated by that fact that these traditional law-and-order policemen have been more prevalent in Western Cape townships over the past two months. One actually has hope that a spiral of violence and counter-violence will be reduced," Mr Van Eck said.

He also said that largely improved control was being exercised over special constables in the Western Cape.

"On June 1 our troops were

CAPE TIMES 9/7/87

Police chief's call to rebuild Crossroads

Staff Reporter

THE Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, yesterday challenged the Mayor of Crossroads, Mr Johnson Ngxobongwana, to enlist the unemployed members of his community to rebuild Crossroads and Khayelitsha into a better town within five months.

The challenge was made during an informal get-together arranged by Brigadier Van der Westhuizen with Mr Ngxobongwana and 30 committee members of both Crossroads and Site C (Khayelitsha) areas in Khayelitsha last night.

Mr Ngxobongwana, who had initially decided not to attend the meeting, last night said he had changed his mind after both the brigadier and the Inspector of Police, Brigadier R P During, had arrived at his home imploring him to attend.

In a speech during the function, Mr Ngxobongwana spoke out strongly against the attitude taken by police in Guguletu, saying they did not work for law and order.

The statement was noted by Brigadier Van der Westhuizen who later promised that he would give the matter his personal attention.

Although no major decisions were made during the meeting both parties showed interest to continue meeting on matters beneficial to the black community.

Mr Ngxobongwana said his former resistance to both police and government in the late 1970s had changed because the government had recently showed signs of wanting to talk.

DRUGS 9/7/87

CITY/NATIONAL

'Beef up Crossroads ... and invite PW'

Staff Reporter

THE Mayor of Crossroads, Mr Johnson Ngxobongwana, has been challenged at an informal function with senior Western Cape police officers to redevelop the squatter camp so that President Botha can visit it in five months' time.

Brigadier Ronnie van der Westhuizen, divisional commissioner of police, asked Mr Ngxobongwana to get the support of the unemployed in the area to improve the camp without Government money.

He said: "Build it up so my wife and I can do my shopping in Crossroads. Why don't we set a date? In five months we invite the State President and show him what has been done."

The function, held in a hall in Khayelitsha, was organised to try to improve relations between the police and leaders from Crossroads and Site C.

CHANGED HIS MIND

Brigadier van der Westhuizen said the "goodwill visit" was to show that the police and all security forces involved in law and order were "good people".

Initially Mr Ngxobongwana declined to attend but changed his mind when Brigadier van der Weshuizen and Brigadier R P During, the divisional inspector, went to his home and asked him personally.

Brigadier van der Westhuizen asked the guests to stand firm with the police as this would contribute to a better, more peaceful and friendly community.

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Protest over brigadier's call on Ngxobongwana

By CLARE HARPER

SIXTEEN squatter leaders from Nyanga, Old and New Crossroads, KTC and Khayelitsha yesterday protested at the actions of the Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, in meeting the Mayor of Crossroads, Mr Johnson Ngxobongwana, in Khayelitsha on Wednesday night.

The leaders include Mr Prince Gobingca of Old Crossroads (representing an unknown number of Old Crossroads residents), Mr Christopher Toise of the Portland Cement Camp (claimed 9 000 supporters), Mr Reuben Fulani of Site C, Khayelitsha (claimed 17 000 supporters), Mr Isaac Gwiliza of Section L, Site B (claimed 10 000 supporters) and Mr Gladstone Ntamo of KTC (claimed 25 000 supporters).

Speaking on behalf of the leaders, Mr Gobingca said the brigadier "should call all the squatter leaders in the Western Cape — not just Ngxobongwana — for a meeting in a neutral area, if he wants peace".

The squatters said it appeared the brigadier was taking sides, and if that was true "the blood in Crossroads will not stop flowing".

"We want peace, we don't want anybody to be killed," they said.

The squatters rejected Brigadier Van der Westhuizen's challenge on Wednesday night that Mr Ngxobongwana should enlist the unemployed members of his community to rebuild Crossroads and Khayelitsha, saying that the brigadier should contact all the Western Cape squatter leaders for such a task.

furniture international

Colonel 'was obeying orders', says Kgosana

Cape Times 10/7/87

EXCLUSIVE

By ANDREW DONALDSON

COLONEL Ignatius P S Terblanche was not a traitor, says Philip Kgosana — the former Pan Africanist Congress leader who has troubled the retired police officer's conscience for more than a quarter of a century.

In an exclusive interview with the Cape Times, he said last night from Colombo, Sri Lanka, where he now lives "He was a policeman He was simply obeying orders"

Interest in the former PAC regional secretary was rekindled after Colonel Terblanche, the 84-year-old former Deputy SAP Commissioner — castigated for his role in the dramatic march on Cape Town by 30 000 peaceful black demonstrators on March 25, 1960 — was this week finally honoured by the Minister of Law and Order, Mr Adriaan Vlok.

Receiving the rank of honorary brigadier — a promotion he was due for at the time but refused — Colonel Terblanche said he felt as if he had "committed treason" when Mr Kgosana was arrested after the 21-year-old student had led the march.

Promised an audience with the then minister of justice, Mr Frans Erasmus, by Colonel Terblanche, Mr Kgosana had returned to Caledon Square with a small deputation — and was arrested.

Both men had avoided bloodshed on the day of the march.

While the policeman had persuaded marchers to return home peacefully, Mr Kgosana had altered the course of the march from Parliament — where massed security forces and certain slaughter waited — to Caledon Square police station.

In spite of this, the former PAC leader — now an economist with the United Nations Children's Emergency Fund (Unicef) in Sri Lanka — declined to elaborate on the events that came to be known as "The Miracle of March 30" and was first reported under the headline "Peace Is Aim, Native Says".

"All that happened to me, mattered to me, was that when a promise had been made it was not honoured ... by the government of South Africa," Mr Kgosana said in the interview last night.

Asked to comment on Colonel Terblanche's professed troubled conscience and that the officer had regarded himself as a traitor following his arrest, Mr Kgosana said: "I believe that at his level, a policeman, he was only carrying out the orders of a minister (Mr Erasmus). I do not think, as much as I opposed him, that he can consider himself to be a traitor.

"He was simply obeying orders And the fact that when I went back and was arrested, I think I opposed him on fundamental questions — but this was an issue where a policeman was carrying out the orders of the minister"

Asked if he had any messages for South Africans, he replied: "No, I do not want to say anything at this time. I think it would be inappropriate. But, tell me, how do you promote a retired man of 84?"

When Colonel Terblanche's comments were read to him and how — by disagreeing with a minister and avoiding bloodshed — his actions did not receive a favourable reaction from his superiors, Mr Kgosana said: "This is what I do not understand At that time in what way did they think that he had done a disservice? Is it clear to you, this disservice?

"It sounds like South Africa. Disservice means you have killed less. You have failed to kill more people. That's why I say it sounds very much like South Africa."



FLASHBACK ... In shorts, the 21-year-old student and PAC leader Philip Kgosana, his supporters seated behind him, strides towards Caledon Square police station to demand an audience with the then Minister of Justice, Mr Frans Erasmus.

Crossroads tension concerns Tutu

Staff Reporters

ARCHBISHOP Desmond Tutu is concerned by "the growing tension" in Crossroads, a spokesman said after a meeting between the archbishop and Old Crossroads squatter leader Mr Prince Gobingca.

The archbishop's press secretary, Mr Matt Esau, said an "upset" Mr Gobingca and a group of followers had told the archbishop yesterday they had learnt from a "very reliable source" that Mr Gobingca was to be attacked by the Johnson Ngxobongwana faction.

'According to the information received, Mr Gobingca was to be "assassinated", but the attack would be "executed so as to appear like a faction fight", the archbishop was told.

Archbishop Tutu had asked the Legal Resources Centre to deal with the matter.

A spokesman for Brigadier Ronnnie van der Westhuizen, Divisional Commissioner of the Western Cape, has confirmed that the brigadier received a call from the LRC.

"But police have no information or any reason to believe that Mr Prince Gobingca's life is in danger or that there will be an attack on him," the spokesman said.

Police for more talks with leaders

Crime Reporter

POLICE are working towards bringing together the various factions and community leaders in the black townships, the Commissioner of Police for the Western Cape, Brigadier Ronnie van der Westhuizen, said yesterday.

He said he had pointed out during informal talks this week with the Mayor of Crossroads, Mr Johnson Ngxobongwana, and 30 committee members from Crossroads and site C, that he would be holding more informal talks with all leaders.

Yesterday, following a report that Mr Prince Gobingca and 15 squatter leaders from Old and New Crossroads, KTC and Khayelitsha, had protested at the particular meeting, he said that the differences between the two groups did not allow such a meeting at this stage. However, he was convinced that in time such meetings would be held. He was willing to talk to all leaders, he said.

Mr Gobingca and others had visited his office on several occasions, he said, the last two being on June 29 and July 8.

"It is peace and prosperity which we are all after and the only way we can attain this is for all leaders to come to terms with each other and to tackle the problems together."

WEARGS 11/7/87

Shacks gutted, tension in Crossroads

Weekend Argus Reporter

THREE shacks were gutted in Crossroads today when squatters turned on Mr Prince Gobingca, allegedly formerly a "witdoek" member, and attacked the home he lived in and the houses of two friends.

The attack followed rising tensions in the area and claims and counter- claims by rival groups over who is in control in the squatter camp.

Police said it was not known who set the shacks on fire about 9am.

He said that one of the shacks burnt was that occupied by Mrs Florence Khaso, a close friend of Mr Gobingca. Mr Gobingca stayed with Mrs Khaso, police said.

"According to our information, Mr Gobingca has no property of his own in Crossroads."

Police said that as far as could be established, there had been no injuries No arrests had been made.

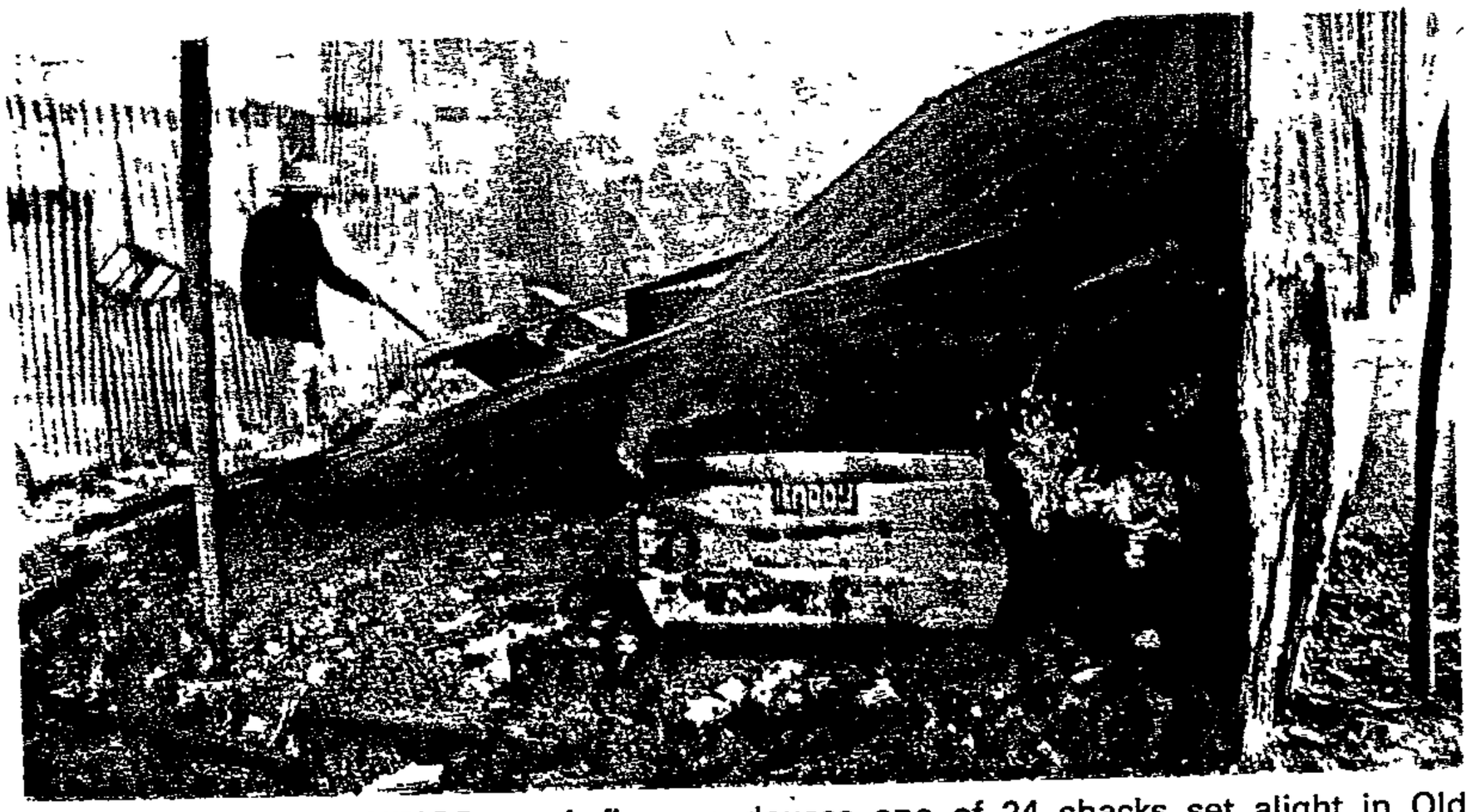
Mr Gobingca, who has feared for his safety for some time, had a meeting yesterday with Archbishop Desmond Tutu, who later expressed concern at the growing tension.

Earlier this week, at an informal meeting between the divisional commissioner of police, Brigadier Ronnie van der Westhuizen, and Mr Johnson Ngxobongwana, the "mayor" of Crossroads, in Khayelitsha, Mr Ngxobongwana, challenged Mr Gobingca's claim to being a squatter leader.

The next day Mr Gobingca was part of a group of squatters who protested at Brigadier van der Westhuizen meeting with Mr Ngxobongwana, saying they too should have been invited if there was to be peace.

The police then issued a statement saying Mr Gobingca had met regularly with senior policemen, including Brigadier van der Westhuizen.

Mr Jan van Eck, MP for Claremont and a member of the PFP's Unrest Monitoring Committee, said Brigadier van der Westhuizen told him after today's attack that the police would do their best to ensure the safety of people and property in the area.



CROSSROADS BURNINGS ... A fireman douses one of 24 shacks set alight in Old Crossroads on Saturday. Picture: OBED ZILWA

CAPE TIMES 13/7/87

Crossroads arson razes 24 shacks

By CHRIS BATEMAN

AT LEAST 24 Old Crossroads shacks, many belonging to members of a faction opposed to the recently elected conservative mayor, Mr Johnson Ngxobongwana, were burnt down at the weekend, police said.

Police said they had arrested three men, aged 55, 65 and 79. The suspects would appear in Athlone Magistrate's Court today to face charges of arson, a spokesman said.

The torchings came the day after the leader of the opposition faction, Mr Prince Gobingca, expressed fears for his life to Archbishop Desmond Tutu and to the Divisional Commissioner of the Western Cape, Brigadier Ronnie van der Westhuizen.

One of the homes burnt down belonged to Mrs Florence Khaso, a close friend with whom Mr Gobingca was living, and another to her daughter, Mrs Lindisiwe Khaso.

Two fire engines, escorted by police, quelled the blazes between 9am and 11am on Saturday.

Police estimate the damage at R50 000. Nobody had been injured, the police spokesman said.

Mr Gobingca could not be traced for comment yesterday.

However, Mr Ngxobongwana strongly denied that his followers had had anything to do with the burnings and said only four shacks had been burnt down. He described the police figure as "completely wrong".

"I only returned from the Ciskei at 12pm on Saturday None of my committee knows anything about who is responsible," he said.

Brigadier Van der Westhuizen said on Friday that he had "no information or any reason to believe Prince Gobingca's life is in danger" and advised the squatter leader to move out of the area if he felt threatened.

The brigadier said Mr Gobingca was not a public figure who qualified for "24-hour police protection".

The police spokesman said yesterday that the shack burnings were the result of "individuals walking around and setting fire to houses, but not of widespread violence".

firmed yesterday by the IPC president, Mr Ah-
med Deedat.

11 still in detention

JOHANNESBURG. — The 11 people arrested in connection with the necklace killings of four SATS workers during the transport strike were still being held under emergency regulations while investigations continued, police said at the weekend.

Cape Times 14/7/87 (275)

Langa shooting victim wants R1,2m damages

Own Correspondent

PORT ELIZABETH. — A victim of the 1985 Langa shootings is to press for damages amounting to R1,2 million from the then Minister of Law and Order in the Supreme Court next month.

According to a statement released yesterday by the National Union of Metalworkers of SA in support of legal action, Mr Lawrence Gqubule, 25, was paralysed from the waist down when police opened fire on a funeral procession in Langa, near Uitenhage, on March 21, 1985.

He will press for damages against the minister on August 3 — the same day that the case of the family of Mr Phakamile Solomon, a worker and father of five who was shot dead in the same incident, will be heard.

Mr Gqubule was hit in the leg and back. The second bullet severed his spinal cord, paralysing him.

On March 21 he joined a procession to KwaNobuhle to attend the funeral. He was struck by two bullets when police opened fire, killing 20 people and injuring a number of others.

A former part-time labourer, Mr Gqubule is confined to his hospital bed and only able to lie on his stomach. His injury has been described as permanent. According to yesterday's statement he is now emaciated, with septic bedsores and increasing stiffness in his other limbs.

Cases of dependants of others killed or injured in the shooting are still to be heard.

CAPE TIMES
14/7/86 (307)

KTC squatters fear 'men with long guns'

By ANDREW DONALDSON and ANDRE KOOPMAN

RESIDENTS of Cape Town's KTC squatter community feared a vigilante attack last night after several men, armed with "long guns" — believed to be shotguns, were seen patrolling the area.

Their fears were compounded by the vigilante attacks at the weekend in which 24 shacks in Old Crossroads were torched.

According to a Legal Resources Centre spokesman, with whom community leaders had been in contact, residents were threatened by some of the men and told they would be attacked during the night.

Community leaders requested the spokesman to contact the riot squad about their fears. This he did.

A police liaison officer for the Western Cape, Lieutenant Attie Laubscher, confirmed it.

Burned

"The police are permanently in that area and will continue to patrol it to maintain law and order," he said.

On Saturday, at least 24 Old Crossroads homes, police said, many belonging to people opposed to the recently-elected Crossroads mayor, Mr Johnson Ngxobongwana, were burned down.

The burnings came the day after the opposition leader, Mr Prince Gobingca, expressed fears for his life to Archbishop Desmond Tutu and to the Divisional Commissioner of the Western Cape, Brigadier Ronnie van der Westhuizen.

Brigadier Van der Westhuizen said on Friday that he had "no information or any reason to believe that Prince Gobingca's life was in danger" and advised him to move out of the area if he felt threatened.

Mr Gobingca was "not a public figure who qualified for 24-hour police protection", the brigadier said.

The next day, a shack in which Mr Gobingca had been living was razed as were shacks of his supporters.

Argus 14/7/87

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Police appeal 'to people with influence in KTC'

By STEPHEN WROTTESLEY, Crime Reporter

AN APPEAL to people with influence in the KTC squatter camp — including priests — to use it to restore law and order was made today by Brigadier Ronnie van der Westhuizen, Divisional Commissioner of Police for the Western Cape.

Brigadier van der Westhuizen made the appeal in the wake of renewed claims that the "witdoeke" vigilantes of Crossroads were preparing to launch an attack on other squatter communities.

"I have been given the assurance by the people of Crossroads that if the people living there are not attacked, they will not attack KTC," he said.

"I've got influence in Crossroads and I can keep them under control, but I haven't any access to the leaders of the KTC camp."

He said that after seeing squatter leaders from KTC and Nyanga last month at a meeting which Mr Jan van Eck, PFP MP for Claremont, was instrumental in arranging, attacks had continued from KTC.

Went to camp

He said he had personally gone to the camp to discuss the situation with the leaders in an attempt to bring an end to the violence but had been unable to find anybody to speak to

"Other people have access to the leaders, like the Legal Resources Centre and various priests I would like them to use their influence and do what I'm doing in Crossroads and Khayelitsha to bring an end to the violence"

"I can assure them that there will be no attack if the people from Crossroads are not provoked or intimidated"

"Every morning there is another attack from KTC The lorry that was burnt out yesterday — that was an attack from KTC"

He said he had taken a personal interest in the squatter communities since he was divisional criminal investigations officer and he hoped that if peace was restored, "maybe some or other time in the future we can come together to discuss the wider problems".

● Brigadier van der Westhuizen announced that an in-service training programme for charge office staff is to start next week He said the programme had come about as a result of various complaints from the public

EMERGENCY UPDATE

Man drives burning lorry after attack

Staff Reporter

A LORRY belonging to the Cape Provincial Administration was destroyed by fire when it was attacked in Terminus Road, near KTC squatter camp.

Police said the attack happened at 12.45pm yesterday.

The driver heard a noise at the back of the lorry, presumably caused by a petrol bomb. He drove the burning vehicle as far as NY3, where he and a passenger leapt out. The passenger was treated for shock.

Damage is estimated at R85 000.

Police warn off KTC squatters

Cape Times 15/7/87

By CHRIS STEYN

THE DIVISIONAL Commissioner of Police, Brigadier Ronnie Van der Westhuizen, yesterday warned KTC squatters that "there will be one hell of a war" if they attacked rival squatter groups in Crossroads and Khayelitsha.

He also appealed to extra-parliamentary organizations to use their influence with KTC squatter leaders to prevent renewed conflict with squatters in Old Crossroads and Khayelitsha

Brigadier Van der Westhuizen said he was "in control" in Crossroads and Khayelitsha and could give an assurance that the squatters in these areas would not start another war

But he warned KTC squatters not to provoke those in Crossroads with continuing petrol-bomb attacks

"The people of Crossroads have given me an undertaking that if KTC does not attack first, Crossroads will never attack them But if KTC provokes them, they will defend themselves", he said

"If KTC attacks Crossroads, there will be one hell of a war," Brigadier Van der Westhuizen said

Mr Jan van Eck, the Progressive Federal Party MP for Claremont, warned Brigadier Van der Westhuizen "not to generalize and to be careful not to appear to take sides" in the squatter conflict

"Though Crossroads is relatively peaceful, I cannot accept that Brigadier Van der Westhuizen could approve the methods that have been used and are still being used to bring about this 'peace'," he said

"I refer to the mass burning of the homes of thousands of people last year and again over the past two weeks. These methods are nothing less than the law of the jungle and can bring no lasting peace."

But Brigadier Van der Westhuizen said that leaders of the opposing factions could only be brought together when peace had been restored.

"I therefore call on church and community leaders to restrain KTC squatters from fighting.

"If they can do that and if KTC does not provoke an attack, then we may all be able to get together," he said: "First we have to restore peace before we can bring the leaders together. My ultimate aim is to bring everybody together in peace and harmony."

Commenting on Brigadier Van der Westhuizen's remarks, Mr Van Eck said yesterday that the KTC community was "quite happy" to co-operate with the commissioner to bring the violence to an end.

"But I call on him to ensure that he is not seen as taking sides in the struggle between the different squatter communities

"A major contributing factor to all the fighting in the past 18 months has been the alleged bias of the police and the security forces

"Brigadier Van der Westhuizen seemed determined not to take sides. And his appointment created the hope that the violence could come to an end."

According to statistics compiled by police last night, incidents of unrest in recent weeks in the area included:

- ☐ On July 4, a vehicle was petrol-bombed near KTC Bazaar The driver was assaulted;
- ☐ On the same day, a police Casspir was stoned in Jakkalsvlei Avenue;
- ☐ On July 5, a man was killed by a panga-and knife-wielding gang who first petrol-bombed his KTC home and and then fired six shots at the man and his daughter as they fled from the house. She too was hacked and stabbed, but survived;
- ☐ On July 13, an R80 000 truck belonging to the Regional Services Council was gutted in Terminus Road at 12.40pm. The driver heard a "bang", and fled from the vehicle. His passenger was treated for shock.
- ☐ Last month, on June 8, two police officers and five special constables were admitted to Wynberg Military Hospital with shrapnel wounds after a grenade was thrown at them while they were investigating a stone-throwing incident in KTC. Police said the security force members were stoned by a mob while on a foot patrol in the area. An eighth member of the patrol escaped injury.

Cape Times 10/7/87

KTC couple 'beaten up'

Staff Reporter

A KTC couple allege they were pulled from their bed and beaten up by six uniformed men they earlier saw beating and kicking two young boys. Shots were also fired into their home, they say.

Mr Michael Fono, 30, said he was woken by a noise outside his house early on Sunday morning. "I looked through the window and saw four white men and two blacks in uniform beating and kicking two young boys," he said in a statement to a lawyer.

He said about 30 minutes later his own front door was kicked open and about six shots were fired into the house. He and his wife were assaulted.

He has laid a charge and police are investigating

New talks on squatter conflict

By CHRIS STEYN and CLARE HARPER

THE Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, will hold talks today with Mr Jan van Eck, the Progressive Federal Party MP for Claremont, about the Crossroads-KTC squatter conflict.

The meeting was confirmed last night by Mr Van Eck, who said he had also asked the divisional commissioner to meet all squatter leaders in the area to avert renewed fighting

Yesterday, at a press conference, the Masincedane Committee of KTC said they had never attacked the Crossroads community and "had no intention of doing so"

At the conference, convened after a warning by Brigadier van der Westhuizen that "there will be one hell of a war" if KTC attacked rival squatter groups, the KTC committee said they found the brigadier's warning "gravely disturbing".

The nine-member committee, representing some 25 000 squatters, said it was "ironic in the light of the events of June, 1986, and in the light of repeated calls by us over the last three months for protection against further attacks, that we should be called upon to maintain the peace".

The committee said two-thirds of KTC was destroyed by witdoeke from Crossroads, allegedly helped by police, according to a Supreme Court application in June last year

They said they were "most upset by the impression given by the brigadier that KTC residents were troublemakers".

The chairman of the committee, Mr Milton Mbewana, said there was no truth in the rumour that KTC intended to attack any other squatter camp

"The residents of KTC want to live peacefully and are willing to negotiate peace with anyone," he said.

The committee said in a statement that they were alarmed that the brigadier said "he can only give an assurance that there will be no trouble from Crossroads if its residents are not provoked"

"We strongly believe that it is the duty of the police to protect each and every community unconditionally and we call on the brigadier to confirm this is his policy and assure the public and us that KTC will receive effective protection from any attack on it," the committee said.

The committee secretary, Mr Gladstone Ntame, said that after the Archbishop of Cape Town, the Most Rev Desmond Tutu, urged the squatters to make peace after the May/June battles, they had held talks and made peace with their former opponent, Mr Prince Gobingca.

They said they would be pleased to make a similar peace agreement with Mr Johnson Ngxonbongwana, leader of the Old Crossroads community.

The committee compared the brigadier's position in the Crossroads-KTC situation with that of a referee at a soccer match who had taken sides, and was about to blow the whistle

The Western Cape vice-president of the United Democratic Front, Mr Joe Marks, said the UDF viewed the brigadier's statements in "a very serious light".

Mr Marks said it was clear that "the brigadier is trying to prepare the public for yet another onslaught on KTC by Witdoeke from Old Crossroads and Khayelitsha

"It now seems clear that they will have a tacit, if not open, support of the SAP and the SADF."

He said that in spite of smears and insinuations, the UDF was confident that its affiliates in KTC would continue to behave in a disciplined manner and ignore any attempts to introduce a confrontation atmosphere into the squatter areas.

BRITISH DEGREES

Cape Times 16/7/87

Kriel killing — protest

By CHRIS BATEMAN
AND CLARE HARPER

SEVERAL thousand pupils of at least four schools in Bonteheuwel and Heideveld yesterday held rallies and placard demonstrations in protest at the police killing of a prominent former schools activist, Mr Ashley Kriel, 22.

And the United Democratic Front, Western Cape, yesterday demanded an "immediate investigation into the circumstances surrounding the death of Mr Kriel to allay the deep suspicion in our community about the events surrounding the shooting"

Mr Kriel, whom progressive organizations identified as an ANC guerilla, was a founder member of the Bonteheuwel Inter-Schools Congress (Bisco) and left the country during widespread schools upheaval in 1985.

He was mysteriously killed by police in a "skirmish" at a house in Hazendal, Athlone, last Thursday Police said they found a Russian-made handgrenade, a weapon and ammunition at the home

The regional vice-president of the UDF, Mr Joe Marks, said in a statement that the UDF demanded answers to the following questions:

● Was Ashley Kriel assaulted or beaten up before he was shot?

● Did he attempt to use a firearm or any weapon to resist arrest, if so what weapon?

● Had he already been subdued or handcuffed at any time before the shooting?

Yesterday's main rally was at Bonteheuwel Senior Secondary School where more than a thousand pupils of the three main Bonteheuwel secondary schools gathered, festooning fences with placards reading "Our school belongs to the ANC".

After several speeches and the singing of "Nkosi Sikelele" in the school courtyard, hundreds of placard-waving pupils streamed out to march around the school grounds and along several streets before dispersing

A similar rally was held at Cathkin Senior Secondary School in Heideveld. No incidents were reported at either school.

Meanwhile at Portlands Senior Secondary School in Mitchells Plain, pupils held a lunch-time rally in the grounds in support of teachers and pupils at Langa High School.

● Langa High teachers yesterday entered their second day of talks with officials of the Department of Education and Training (DET) over their refusal to compile registers of all pupils at the school and their unofficial reopening of the school. The meeting with DET will continue today.

Police maintained a low profile at all rallies and no armoured vehicles were seen

Residents spoken to in Bonteheuwel and Heideveld expressed fear over the rising tensions in the area.

The Western Province Council on Sport has postponed its sports day on Saturday because of the Kriel funeral.



PUPILS PROTEST: . . . Some of the thousands of pupils of three Bonteheuwel secondary schools who protested yesterday about the death of former schools activist Mr Ashley Kriel.

Cape Times 16/7/87

KTC couple 'beaten up'

Staff Reporter

A KTC couple allege they were pulled from their bed and beaten up by six uniformed men they earlier saw beating and kicking two young boys. Shots were also fired into their home, they say.

Mr Michael Fono, 30, said he was woken by a noise outside his house early on Sunday morning. "I looked through the window and saw four white men and two blacks in uniform beating and kicking two young boys," he said in a statement to a lawyer.

He said about 30 minutes later his own front door was kicked open and about six shots were fired into the house. He and his wife were assaulted.

He has laid a charge and police are investigating.

City squatter leaders urged to settle dispute

By JOHN VAN DER LINDEN and CLARE HARPER

A MEETING of all of Cape Town's squatter leaders on "neutral" territory will take place as soon "as soon as is physically possible — probably next week", Mr Jan Van Eck, PFP M P for Claremont and chairman of the PFP's unrest monitoring committee, said yesterday.

He was speaking shortly after a one-and-a-half-hour meeting with the Divisional Commissioner of Police for the Western Cape, Brigader Ronnie van der Westhuizen.

The two jointly announced plans for the squatter leaders to meet with the police to resolve the looming Crossroads/KTC crisis.

Mr Van Eck said the meeting was viewed as "a matter of urgency".

The Brigader said he would arrange for the squatter groups supporting Mr Johnson Ngxobongwana of Crossroads and Mr Mali Hosa of Site C Khayeltisha to attend the meeting and Mr Van Eck said he would arrange for other groups including Mr Milton Mbewana and Mr Gladstone Ntamo of the KTC Masincedane Committee, Mr Christopher Toise of the Portland Cementworks group, Mr Melford Yamile of the Nyanga Bush community and others, to attend.

The Brigadier and Mr Van Eck described the move as "a major breakthrough" in defusing tensions between Crossroads and KTC residents.

Police leadership

Mr Van Eck said he called for a meeting with the Brigadier "because of my concern that last year we saw police openly siding with certain groupings and if that happens again unprecedented violence could be unleashed".

He said that the police were now under new leadership and he was optimistic that they would not take sides, but neutrally maintain law and order.

It was reported yesterday that during Mr Van Eck's meeting with Brigadier Van der Westhuizen, he (Mr Van Eck) had discussed with the bridagier the need for police not to be seen to be taking sides.

Mr Van Eck was reported to have said that "it is quite clear that no such thing (taking sides) is taking place."

Meanwhile the Anglican Archbishop of Cape Town, the Most Reverend Desmond Tutu and Roman Catholic Archbishop Stephen Naidoo and the vice chairman of the Peninsula regional council of the Congregational Church, Rev Mongmeli Bukashe will meet today to decide on a number of initiatives they would like to pursue to help resolve the crisis.

Mr Van Eck said the turmoil in the Crossroads/KTC area had not only been the result of political differences but could be ascribed to a large extent to a power struggle between the major leaders who for the first time have shown their willingness to talk to each other.

Brigadier Van der Westhuizen said he was sure that once all grievences were discussed in the open at the proposed meeting, both sides would realise they were striving for the same goals.

□ Another KTC delegation (representing KTC residents other than those represented by the KTC Masincedane group) said yesterday that they were "worried" about rumours of an attack from Crossroads. They urged other squatter groups not to fight and to "remember the suffering of the last war"

A potentially explosive situation at Crossroads and KTC this week revived memories of the lead-up to May and June 1986 and the orgy of violence which left tens of thousands homeless. What are the issues behind the crisis? Staff Reporters ANTHONY DOMAN and STEPHEN WROTTESLEY report.

Issues behind Crossroads crisis

The police view

POLICE see the trouble in Crossroads as a conflict between tribal customs and western values and say all the present troubles stem from this conflict.

In the late 1970s when the Crossroads squatters clashed with the authorities, Mr Johnson Ngxobongwana became leader of the ever-growing community.

And in tribal custom they owed their allegiance to him.

As the community expanded with the relaxation of influx control, new leaders began to emerge — men who would no longer give Mr Ngxobongwana their allegiance.

In the meantime Mr Ngxobongwana had relaxed his staunchly anti-authority attitude with the promise by the government to upgrade the area — a relaxation which was not welcomed by the new arrivals who felt a tough line had to be taken against the authorities to ensure improved conditions.

Mr Ngxobongwana felt he had already gained much in the form of promises from the government and that these would not, or could not be carried out because of the ever increasing population.



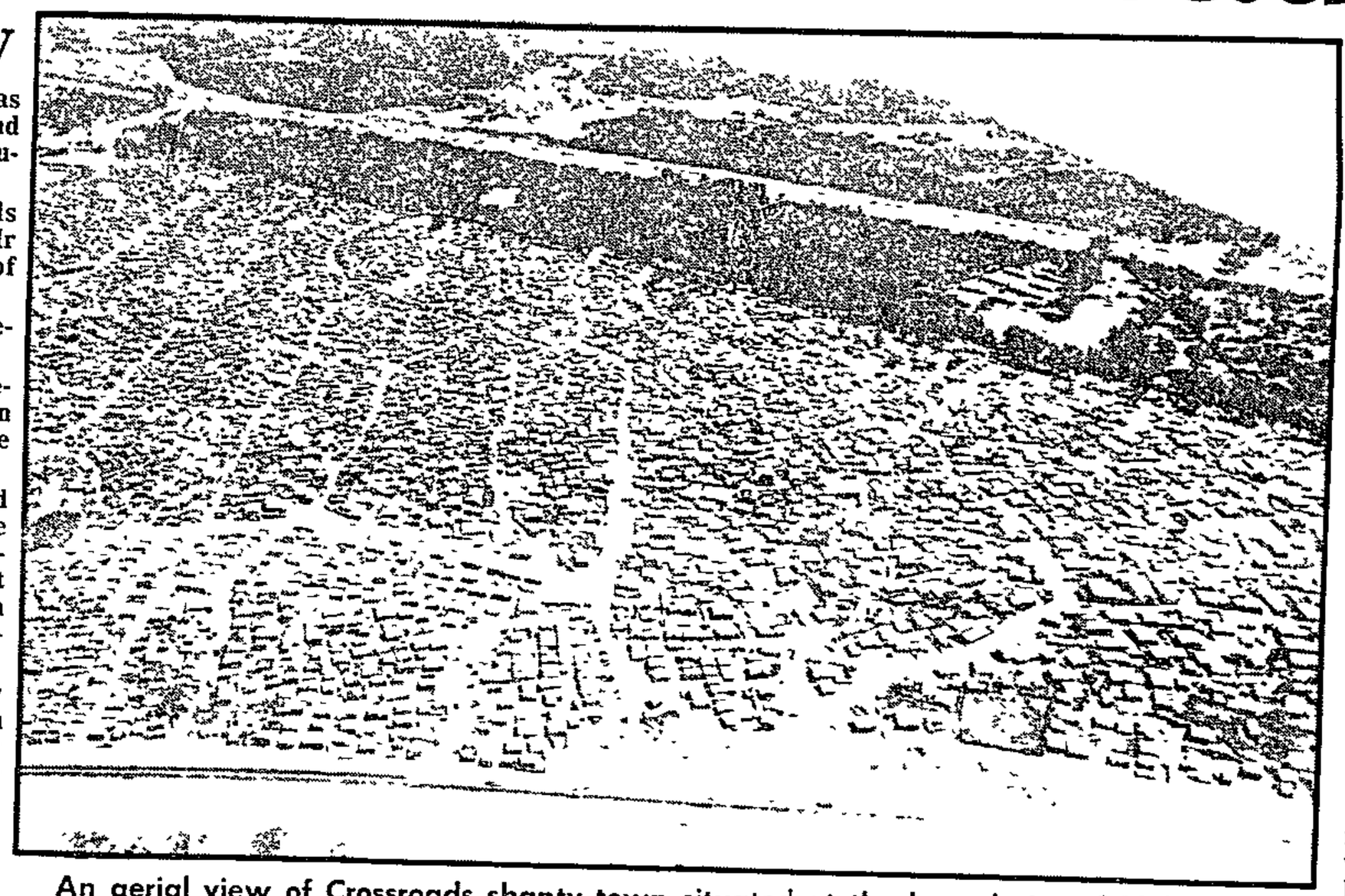
Mr Ngxobongwana

These simmering differences came to a head last year when the "witdoeke", owing allegiance to Mr Ngxobongwana, drove the newcomers out of Crossroads and later attacked KTC.

It was during the first battle of Crossroads that Mr Prince Ngobingca sought refuge among the "witdoeke".

Police intelligence said everything went smoothly until Mr Ngobingca broke with tribal tradition and started making statements without consulting the ruling council.

For this he was fined a sheep.



An aerial view of Crossroads shanty town situated at the boundaries of Philippi and Nyanga off Old Klipfontein Road near D F Malan Airport.

KTC squatter view

KTC squatter leaders say they are prepared to talk to anyone, anywhere, at any time to achieve peace

The Masincedane Committee, which runs the 25 000-resident camp, said it was "gravely disturbed" by police warnings to KTC to stop violence

"KTC has never attacked Crossroads and does not intend doing so," members said in a tacks that we should be called upon to maintain the peace," they said

Two-thirds of KTC was destroyed by witdoeke from Crossroads in June last year.

The committee was "most upset" by the impression which Brigadier van der Westhuizen was trying to give of KTC as troublemakers and who may be

Committee secretary Mr Gladstone Ntamo said it was essential for people to have talks with all squatter camp leaders to find out the cause of the fighting

KTC squatters had responded to Archbishop Tutu's plea for peace by "forgiving" former witdoek leader Prince Gobingca, he said

Independent view

THE most outstanding characteristic of the situation at the Crossroads squatter areas is confusion, says Progressive Federal Party MP Jan van Eck.

Most confusingly, people who were fighting each other last year suddenly find themselves on the same side now.

Mr van Eck's experience in KTC goes back to 1985, and includes on-the-spot observations even during extended periods of unrest as chairman of the PFP's unrest monitoring and action group.

Power politics was at the root of the present struggle, he said

"Squatter communities by their very nature are very brittle and susceptible to people who can offer them security."

"They would naturally gravitate towards powerful figures, such as Johnson Ngxobongwana, who offered some kind of security — even at a price."



Mr Van Eck

Such leaders surrounded themselves with their own followers to form the nucleus of a power group with no particular ideological line. But politics in the form of the "liberation struggle", added a new wrinkle and a new opposition.

"Last year the division was far clearer," Mr van Eck said. "On one side you had the comrades, radicals, UDF and civic associations."

Opposing them was the "conservative grouping" made up of organisations and institutions created by the state — councils, mayors and kitskonstabels (as opposed to the SAP).

tough line had to be taken against the authorities to ensure improved conditions.

Mr Ngxobongwana felt he had already gained much in the form of promises from the government and that these would not, or could not be carried out because of the ever increasing population.



Mr Ngxobongwana

These simmering differences came to a head last year when the "witdoeke", owing allegiance to Mr Ngxobongwana, drove the newcomers out of Crossroads and later attacked KTC.

It was during the first battle of Crossroads that Mr Prince Ngobingca sought refuge among the "witdoeke".

Police intelligence said everything went smoothly until Mr Ngobingca broke with tribal tradition and started making statements without consulting the ruling council.

For this he was fined a sheep.

Mr Ngobingca apparently took offence. He joined the leaders who had been driven out of Crossroads last year, but stayed in the squatter camp.

He also started bringing back people who had previously been thrown out of Crossroads.

Breaking tribal traditions

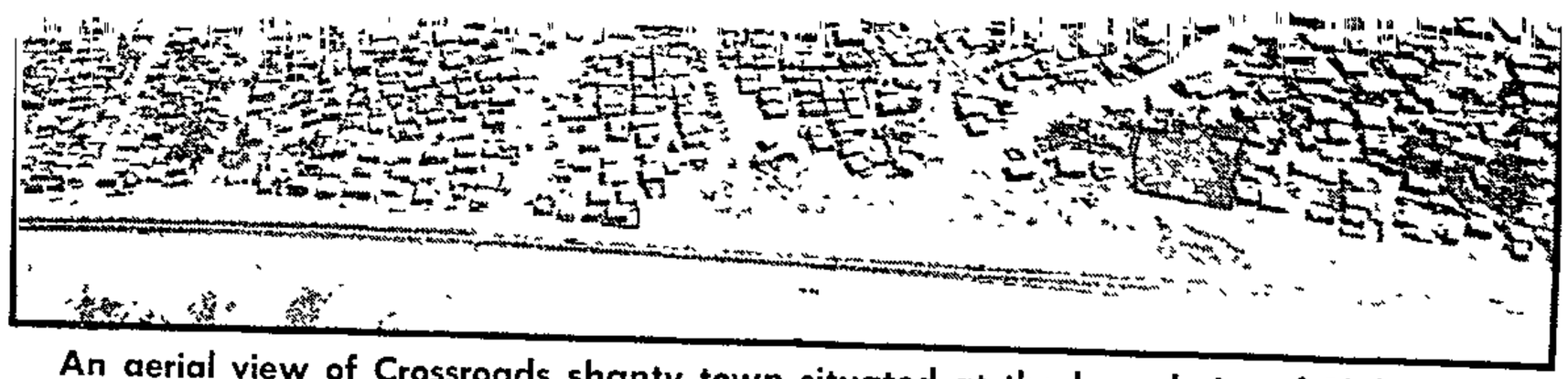
Police said the arrival of people linked to groups who were allegedly intimidating Crossroads residents, coupled with Mr Ngobingca's links to the other groups and the fact that he was breaking tribal traditions by, among other things, visiting the police regularly, prompted the "witdoeke" to take action against him.

Police believe the "witdoeke" do not believe in using western laws to solve their problems and would not dream of obtaining eviction orders.

"If they don't want you in their community, they will burn you out, which is what they did to Ngobingca," one source said.

Police estimates of the numbers involved in the squatter drama — and they point out that is very difficult to obtain accurate figures — are about 80 000 in Crossroads and about 50 000 in Khayelitsha supporting Ngxobongwana and about 25 000 in KTC.

The figures, police sources say, show that if it ever came to a repeat battle, the war would be heavily weighted in Ngxobongwana's favour.



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KTC squatter view

KTC squatter leaders say they are prepared to talk to anyone, anywhere, at any time to achieve peace

The Masincedane Committee, which runs the 25 000-resident camp, said it was "gravely disturbed" by police warnings to KTC to stop violence

"KTC has never attacked Crossroads and does not intend doing so," members said in a joint statement

'Significantly, there is a complete lack of detail of any alleged attack on Crossroads"

Incidents of unrest mentioned by police recently were "completely unrelated to Crossroads and include an attack on a KTC residence.

"It is ironic in the light of events of June 1986 and in the light of repeated calls by us and by our representatives over the last three months for protection against further threatened attacks that we should be called upon to maintain the peace," they said

Two-thirds of KTC was destroyed by witdoeke from Crossroads in June last year

The committee was "most upset" by the impression which Brigadier van der Westhuizen was trying to give of KTC as troublemakers and who may be destroyed in acts of retaliation by Crossroads residents

"We are alarmed that (he) says he can only give an assurance that there will be no trouble from Crossroads if its residents are not 'provoked'. We strongly believe that it is the duty of the police to protect each and every community unconditionally and we call upon Brigadier van der Westhuizen to confirm this is his policy . . ."

"Finally we want to assure the people of Crossroads that we want peace with them."

Committee secretary Mr Gladstone Ntamo said it was essential for people to have talks with all squatter camp leaders to find out the cause of the fighting

KTC squatters had responded to Archbishop Tutu's plea for peace by "forgiving" former witdoek leader Prince Gobingca, he said

Could they come to a similar agreement with Mr Ngxobongwana?

"Of course," they said, virtually as one

"We would be pleased if he could make that happen," Mr Ntamo said.

Committee members asked for Mr Ngxobongwana to act like a "people's leader".

"We would like people to sit down and talk so that we can follow Bishop Tutu's words," they said.



Bishop Tutu

Church view

AFTER a plea for peace from Archbishop Desmond Tutu, church leaders are treading warily in following up peace initiatives.

At talks with Archbishop Tutu were his Catholic counterpart Stephen Naidoo, Canon Winston Ndungwane, provincial executive officer of the Anglican Church, and the Rev Mongameli Bukashe, vice-chairman of the Peninsula Region of the Congregational Church.

"They will be holding follow-up talks in the next few days," said Archbishop Tutu's media secretary, Mr John Allen.

"They remain deeply concerned about the situation in Crossroads and are anxious to act in such a way as to bring about reconciliation and to avoid becoming caught up in the divisions which are complicating the situation," Mr Allen said.

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"They would naturally gravitate towards powerful figures, such as Johnson Ngxobongwana, who offered some kind of security — even at a price."



Mr Van Eck

Such leaders surrounded themselves with their own followers to form the nucleus of a power group with no particular ideological line. But politics in the form of the "liberation struggle", added a new wrinkle and a new opposition.

"Last year the division was far clearer," Mr van Eck said. "On one side you had the comrades, radicals, UDF and civic associations"

Opposing them was the "conservative grouping" made up of organisations and institutions created by the state — councils, mayors and kitskonstabels (as opposed to the SAP).

"But this year we have found on both sides UDF supporters, comrades, civic associations and even kitskonstabels."

"Attacks meant to silence him"

"Former witdoek Prince Gobingca basically led the vigilante squatters last year," Mr van Eck said. He now heads the opposition Squatter Residents' Association, a "very loose grouping" obviously interested in his inside information.

"There is no doubt in my mind recent attacks on him were meant to silence him," Mr van Eck said.

Mr Ngxobongwana had influence enough to settle the disputes, Mr van Eck said.

Church leaders meet police over squatters

CAPE TIMES 18/7/87

Staff Reporter

CITY church leaders, including the Anglican Archbishop of Cape Town, the Most Rev Desmond Tutu, and the Roman Catholic Archbishop, the Most Rev Stephen Naidoo, met the Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, yesterday to discuss peace moves at Crossroads and KTC.

The media secretary for the Church of the Province of Southern Africa, Mr John Allen, said the churchmen and Brigadier Van der Westhuizen had agreed to do "all they can" to get squatter leaders to a peace meeting at a neutral venue.

"The church leaders and the brigadier also agreed to use their influence to restrain squatter groups from initiating acts of violence," Mr Allen said.

Others present at yesterday's meeting were: The Anglican Suffragan Bishop of Cape Town, Bishop Patrick Matolengwe; Bishop John Ulster of the Moravian Church; the Catholic Bishop-elect of Cape Town, Monsignor Lawrence Henry; the Rev Douglas Bax of the Presbyterian Church; Canon Winston Ndungane, provincial executive officer of the Anglican Church, and representatives of the Western Province Council of Churches.

Two blasts rock city

Cm Times 21/7/87 275

By ANDRE KOOPMAN, RONNIE MORRIS and CHRIS BATEMAN

TWO blasts rocked a Defence Force residence in central Cape Town last night after a day of high drama, during which a police vehicle was hit by a home-made bomb in Wynberg and roving youths damaged or destroyed at least six parked cars in the Bo-Kaap.

Police said that just before 9pm a suspected limpet mine exploded, damaging three cars.

Police liaison officer Lieutenant Denise Benson was at the scene of the blast — a Defence Force residence, Castle Court, on the corner of Tennant and Caledon streets She said one car was totally wrecked and the two others were "burnt".

She said another mini-limpet mine was found at the scene (a courtyard between two of the blocks of Castle Court in District Six) and was detonated at 9.40pm by the police explosives squad.

Another police liaison officer, Lt Attie Laubscher, said the second mini-limpet mine, found near the car where the first limpet mine exploded, was detonated in a field about 100m away

He showed pressmen where the roof of the car had landed, about 100m from the blast — a section of the windscreen was flung over four storeys and landed about 190m away.

Lt Benson said there were no injuries, but that two people — one of them a pregnant woman — were treated for shock.

Police were still combing the area and mopping up late last night.

The blast scene is only a few minutes' walk from the city police headquarters at Caledon Square. Several windows fronting the courtyard were shattered and a twisted and blackened section of a large gas bottle lay in the courtyard.

Police, some with sniffer dogs, immediately sealed off Hanover Street, Tennant Street and Constitution Street after the first blast as ambulance, Metro and fire brigade personnel stood by.

The courtyard of the building — where Springbok single-handed sailor John Martin is also resident — was littered with glass over an area of about 90 sq m.

A resident of Castle Court, Mr Stephen Day, who is an Air Force radio technician, was watching TV when he heard a "terrific bang". "I have never heard anything like it before in my life, the whole place shook.

"There was a bright, intense light, which slashed right through the building Only the blackened, twisted chassis of the car at the centre of the blast could be seen. The two other cars were also badly damaged"

His wife, Evalda, said she looked out of the window to see a "ball of flame that jumped about 45m into the air" "The blast blew windows open and shattered the windows of adjacent flats," she said

Meanwhile at Wynberg yesterday two minor injuries resulted from the incidents — a policeman was slightly hurt and a woman was bitten on the foot by a police dog

Police afternoon sealed off a Wynberg road yesterday afternoon and searched pupils and teachers after what they described as a "home-made explosive device" was flung into a police video unit vehicle.

The incident occurred after about 2 500 pupils, teachers, clergymen and parents crammed into the Luxurama Cinema in Park Road, following a gathering outside the Wynberg Regional office of the Department of Education and Culture (DEC) in Broad Road, Wynberg.

Mr Phillip Tobias, deputy principal of Crestway Senior Secondary School, was the first teacher to be tried on disciplinary charges following the teachers' decisions not to administer exams because of conditions in 1985. The hearing in the Tobias case was completed yesterday, but judgment was delayed.

□ Tobias picture — Page 3

By 8.30am yesterday —



MOVING IN... Police in Wynberg yesterday before taking up positions outside the office of the Department of Education and Culture.

By 8 30am yesterday — half-an-hour before the Mr Tobias's hearing was scheduled to begin — onlookers had already gathered outside the DEC offices. Heavily armed riot police were lined up outside the gates.

By 10am the crowd had grown to about 1 000 people, while a police helicopter circled overhead and two policemen with dogs stood by.

Members of the legal team acting for Mr Tobias shuttled in and out in attempts to gain the presiding officer's permission to allow teachers and members of the public to attend the hearing.

The crowd were later told that only the legal team and the witnesses would be allowed to attend. They did not disperse.

Some time later a woman was taken for medical treatment after she was bitten on the foot by a police dog.

Members of the crowd, including many of the teachers facing charges, then moved to the nearby

To page 3

R.T.O.

From page 1

Luxurama Cinema in Park Road to await the outcome of Mr Tobias's hearing.

In the cinema, a speaker called on the "faceless" teachers to "show the people who you are". The teachers stepped forward and were greeted with sustained applause and a standing ovation.

Speakers at the meeting included Mr Yusuf Gabru, chairman of the Western Cape Teachers' Union (WECTU), Mr Moosa Kaprey, chairman of the National Education Crisis Committee (NECC), and Dr Neville Alexander of the South African College for Higher Education (SACHED).

After about two hours the meeting ended, and people streamed out and headed for their buses A mini-bus containing four policemen stood by, filming the proceedings.

Minutes later, witnesses said, a bottle was thrown into the open door of the mini-bus and exploded with "a God-almighty bang Black smoke was pouring from the car and two officers jumped out with their handguns drawn to search for the bombers".

The policemen pursued several members of the crowd, who ran down Park Road and vanished.

Body-searched

Police then sealed off about 500m of Park Road next to the cinema

Students in six buses were told not to disembark because they were to be taken to the Wynberg police station, where they and the buses would be searched.

Police then body-searched an estimated 600 pupils and teachers The names of all teachers present were taken by the police.

The buses and pedestrians were then allowed to leave

A spokesman for the police public relation division in Pretoria later stated that a police officer had been slightly injured by the "home-made explosive device" in Park Road.

□ In another incident connected with the hearings yesterday, youths — some said to be from Vista Senior Secondary School on the slopes of Signal Hill, set alight and destroyed a parked car and damaged at least five others in the Bo-Kaap, in protest at alleged police actions at the school.

A substantial number of pupils did not attend classes yesterday According to witnesses, events started when a police contingent visited the school and took the names of those absent

After 9.30am the police began patrolling the area, watched by various groups of youths Around 10 30am one car after another was damaged in sporadic attacks.

An employee at a nearby computer software firm, Mrs Sue Bembridge, said she saw youths stoning three cars, including hers, in Buiten Street

"It happened very quickly," she said "We saw bricks and stones flying into our windscreens My first reaction was immediately to dash out of the building and into the street. I saw about six or eight teenagers running away"

Mrs Bembridge said her car's windscreen was smashed, but that damage done to a colleague's car was more extensive.

"All her windows except one were smashed in. There's also damage to the car's body. We reckon it's about R1 200-worth of damage to the windows alone"

About an hour later, youths overturned a vehicle in Leeuwen Street and stoned another, which they later set alight

The windows of at least four other cars parked in Bloem, Byron and Buiten streets were also smashed by youths in the course of the day

A small crowd gathered about 12 30pm as firemen doused the burning vehicle and police intensified patrols A police helicopter circled overhead for about five minutes shortly before 2pm

A spokesman for the police public relations division later confirmed that a vehicle had been burnt out in Leeuwen Street and that there had been "isolated stonings of vehicles in the area", adding "The area was extensively patrolled but no arrests have yet been made."

Widespread stayaway

By mid-afternoon several car owners were seen hurriedly removing their vehicles from the area

□ There was a widespread stayaway from "coloured" schools in the Peninsula yesterday in what pupils and teachers described as "a gesture of support for the 72 Wectu teachers"

The president of the South African Teachers' Association, Mr Richard R Hawkins, appealed yesterday to the Department of Education and Culture to take account of "the obvious dilemma" faced by the teachers involved in the disciplinary hearings.

Noting that Sata accepted that the teachers' actions had constituted "a technical breach of the regulation", he said it would "plead strongly" that the "obvious dilemma" between the technical requirements and their professional judgment be considered

The 18-month delay in taking action "must reflect adversely on the professional standing of the teachers concerned and cannot contribute positively to a resolution of the present education crisis"

The vice-president of the Teacher's League of South Africa, Mr E W Steenkamp, said his organization, together with parents, pupils and their fellow teachers, fully support the victimized teachers and expressed its "strongest condemnation" of the House of Representatives action

□ The Leader of the Opposition in the House of Representatives, Mr Charles Redcliffe, called yesterday on Mr Carter Ebrahim, the Minister of Education and Culture, to "stop the prosecution of teachers immediately".

Conciliatory attitude

The prosecutions were contributing to increased tensions between students and the department, and this was leading to an "unpleasant situation"

Mr Redcliffe noted that at the end of 1985 Mr Ebrahim decided that students concerned could rewrite their examinations, and added "By doing that, he effectively admitted he was wrong If he could adopt a conciliatory attitude then, I do not see why he cannot do so now with the 72 teachers, and contribute to the creation of goodwill in the country."

□ The vice-president of the UDF Western Cape Region, Mr Joe Marks, warned the DEC last night that its persisting in prosecuting the teachers was about to "provoke a major confrontation in our schools".

He said the UDF demanded the "immediate dropping of charges", adding: "The four teachers that are currently being charged are amongst the most respected and capable educationists in Cape Town

"We want to warn DEC that our community feels extremely strongly about this issue. The events of today showed clearly the anger their actions provoked"



FIRST UP... Mr Phillip Tobias, outside the Broad Street, Wynbe Culture before

SOUTH NEWS

Drop charges - says Wectu

THE first five of 73 teachers charged with misconduct by the Department of Education and Culture (House of Representatives) represent more than a 110 years of experience in the profession. Some of them have assumed prominent positions in the community and in sports organisations. SOUTH reporter Sahm Venter spoke to them.

'Water off my back'

THE CHARGE of misconduct is like "water off my back — It's just going to flow off," said Mr Nabil Swart, deputy principal of Alexander Sinton High School

"I would do it again and suffer the consequences if there were any," said Swart.

Of the "terrific" support for teachers at the hearing, he said 'It was pleasing to see so many teachers and people from the community coming out in solidarity. It is the type of support that one needs in times like this," he said.

Born in Cape Town in 1936 Swart was educated at Zonnebloem and Trafalgar High School

He completed his BSc in chemistry and zoology at UCT in 1958 In 1959 he did his Senior Teachers' Certificate

Born into a family of teachers, Swart taught at Sinton from 1960 until 1965. From 1966 to 1971 he taught maths and biology in Zambia at three different high schools, "more for the experience than anything else".

His eldest son, Dehran, now 25, was three years old when he and his wife Gayatunnisa went to Zambia His daughters, Rehana, 17, and Kamilla, 16, were born there. They now both attend South Peninsula High

Their son, Raoul-Riedwan, 20, was born in Cape Town

During his spell in Zambia, Swart taught on the Copper Belt, in the central province of Serenje and Mumbwa and at Ndola

"I taught at purely post-independence schools and gained much experience teaching so-called underprivileged children," he said

Swart has taught at Sinton since 1972 where he has been deputy principal for the past five years

He is a member of Wectu, the Amateur Swimming Association of South Africa and Western Province Senior Schools Sports Union.

Swart has played rugby for Progress Rugby Club, hockey for Queenspark Rangers and is a member of Manta Amateur Swimming Club.

'Not in a spot'

'THE action against me is an attack on the teachers," said Tobias, the first of 73 teachers to appear at a Department of Education and Culture hearing

"It is an attack on our liberties, on our rights," he said

Tobias was born in Port Elizabeth in March 1935 His hometown suburb of Fairview was proclaimed a "white" group area in the 1960s. And his parents sold their ground for R2 000 and moved to a so-called "coloured" area.

His mother who had only a standard two education was the "driving force" behind the now deputy principal of Crestway Senior Secondary School.

Tobias matriculated at Patterson High School and then went on to the University of Cape Town where he did a Bachelor of Science degree in chemistry and later a Bachelor of Education

Now his driving force as a teacher is the "discrimination" in South Africa and people's suffering

After his first degree he taught physical science to standard nine and ten pupils at Oaklands High School until the end of 1977 In 1978 he was vice-principal of Westridge Senior Secondary School He began at Crestway as deputy principal in 1979

Tobias' interest in sport and discrimination in sport led to his involvement in the Western Province Senior Schools Sports Union (WPSSSU) of which he has been president for over a decade

WPSSSU has 112 members and is affiliated to the South African Senior Schools Sport Union which, in turn, is affiliated to the South African Council on Sport (Sacos)

Tobias' wife, Mavis, is a teacher at Parkwood Primary He has two daughters, Colleen, 21, and Kim, 14

Tobias who says he has always had "definite ideas" about his role as a teacher, said he took a principled stand in 1985 "No matter what happens I will have no regrets I am not in trouble, not on the spot. I don't believe that I am guilty," he said

In District Six mould

GROWING up in District Six motivated Mr Yusuf Abrahams, deputy principal of Cathkin High School, to become involved in community work

The suffering he witnessed led him to become a community-oriented teacher and to be involved in Muslim community organisations

Born in 1938 in District Six, Abrahams matriculated at Trafalgar High School. His family moved from District Six, when it was proclaimed a "white" area, to Athlone where they live today

After a full-time Bachelor of Science in geography, physics and chemistry at UCT, he completed a Bachelor of Commerce, and then a Bachelor of Education part-time

From 1961 to 1966 he taught at Grassy Park High School, and from 1966 to 1973 at Salt River High. In 1974 he began at Cathkin as deputy principal.

He is married to Mariam They have six children Ariefa, 22, Soraya, 20, who is in her third year at Hewat Training College, Warda, 14, and Fatima, 12 who are both at Alexander Sinton High School and twins, Amina and Abdullah, 9, at Habibia Primary

Abrahams was the chairperson of Majlis Ashura al-Islami for 12 years and for the past eight years he has served as secretary to the Darur Raghmaan Educational Society in Lavender Hill.

He regarded the idea of administering exams in 1985 as "morally unjustified" and "irreligious"

By SAHM VENTER

WHEN Mr Philip Tobias walked through the heavily-guarded gates of the House of Representatives administrative buildings this week, it was clear he wasn't going in alone

At least 1 500 supporters, including teachers, pupils, parents, family and friends who gathered outside the gates, went in spirit with the deputy principal of Crestway Senior Secondary School

The ordered and peaceful demonstration was seen as a "victory" for Wectu which was formed in September 1985 out of the educational crisis

Despite the dismally cold weather and a last-minute change of venue from the House of Representatives offices in Roeland Street to Wynberg supporters steadily streamed to Broad Road

Some student teachers have gone on a week-long boycott in support of the teachers, while the Western Cape Students' Congress has called for protest action on Thursday

The hearing was held in a large room sparsely furnished with four tables Behind these sat the presiding officer, Mr G Conradie, the "prosecutor", Mr M de Vries, Tobias, and his legal team

Conradie refused to have the hearing opened to the public and the press, saying the matter was personal and confidential

This was the first of 73 hearings If found guilty those charged could lose their jobs or face other disciplinary measures

Their "crime" of misconduct was that they refused to administer what were regarded as "fraudulent" examinations in 1985 Pupils who had been on boycott had not been taught for six months

In a signed statement three clinical psychologists of the University of Cape Town's Child guidance Clinic, said



Philip Tobias

"We would expect the results of examinations written under these circumstances to be invalid and of limited, if any, educational value"

Judgment in the Tobias case has been reserved and is expected within two weeks The teachers legal team has requested that the other four cases, for which dates have been set, be postponed until then. Conradie is apparently considering the request

Wectu has continually stressed the urgency of the situation and urged the department to drop the charges "The matter is extremely urgent and must be resolved immediately," a Wectu spokesperson said "The DEC must be held responsible for anything that develops at the schools," he said

A spokesperson for the department refused to comment on the hearings. However, the spokesperson confirmed that the next hearing would take place next Monday at the same venue

Two hours after the hearing began, the crowd moved to the Luxurama Cinema in Park Road Some of the 73 teachers who were present were given a standing ovation by more than 2 000 people who had gathered for a report back of the hearing

Speakers at the meeting condemned the hearings

"All Carter Ebrahim is doing is following the instructions of his bosses," said Mr Matt Esau, personal secretary to Bishop Desmond Tutu, the Anglican Archbishop of Cape Town He described the charges as "the last kick of a dying horse"

Mr Moosa Kaprey, chairperson of the Western Cape region of the National Education Crisis Committee, assured Wectu of its support A message was also sent by Students of Young Azania (Soya)

After the meeting ended and people began filing out, the police cordoned off the road

According to a police report "a home-made explosive device" was thrown into a police vehicle in Park Rd. The area was "intensively patrolled" which included school children in buses being searched

(This report has been censored to comply with emergency regulations)



Part of the group of 73 teachers at the Luxurama Cinema, Wynberg, this week
Pictures by BIEN KARLIE

Piketberg teacher first to say No

CLIVE Julies has the notable distinction of being one of the first teachers to refuse to administer exams in 1985

Bringing the now famed "72 teachers" to 73, he is the only one to have refused to administer exams in September 1985

In Piketberg, where Julies teaches, pupils were expected to write in September There were no exams in the Cape Peninsula at the end of the third term

Julies and 22 others at Steynville High, Piketberg refused to administer the exams But he was the only teacher to be charged with misconduct A temporary teacher, Mr Andrew Wells, was sacked

"The children were not at school for nearly six months and were not ready for exams at that time,' Julies said "We also had 17 pupils in detention at the time We felt that they should have the same opportunity as the others," he said

Born in Paarl in 1958, he matriculated at Paulus Joubert High, obtained his Bachelor of Arts and higher diploma of education at the University of the Western Cape

He is married to Fredlynne, a teacher at Steynville Primary They have two children, Radcliffe, four, and Bianca, nine months old.

Julies, a member of the Paarl branch of Wectu and the Boland and West Coast Council of Churches, was detained under the emergency regulations for two spells of 14 days in September 1985

Reluctant Ritchie

MR VICTOR Ritchie, principal of Harold Cressy for the past 23 years was reluctant to talk about himself

The 56-year-old father of three, who has been a teacher for 34 years, faces charges of misconduct on August 27

A member of the Western Province Senior Schools Sports Union, Ritchie is responsible for having chess introduced as a

He said the Department of Education and Culture's charges were an "assault on education"

"I don't believe the individual people involved are very important," he said.

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Pupils plan protest rallies

SOUTH REPORTERS

EDUCATIONAL institutions in the Peninsula have come out in strong support of the 73 teachers charged with "misconduct".

Protests and rallies have been planned in support of the teachers, the killing of Ashley Kriel and the closure of Langa High School. Today, students at many schools and teacher training colleges are expected to stay away from classes.

And the Western Cape Students Congress (Wecsco) cautioned that the already tense situation in schools, colleges and universities could "explode into another 1985".

Wecsco also warned of tough action this week, should the charges against the 73 teachers not be dropped, Langa High not be unconditionally opened, and student detainees not be released.

Boycotts

Last week several schools held mass rallies and, at some schools, students this week boycotted classes

Pupils from I D Mkize High, Maliza Secondary School, Fezeka High and Sizamile boycotted classes this week in support of seven pupils who are facing charges of public violence.

At I D Mkize pupils attended school on Tuesday but no lessons were held.

A Western Province Tertiary SRCs rally will

Turn to page 3

Schools

From page 1

be held at Hewat Training College today.

Students at the University of the Western Cape will stay away from exams on Thursday and attend an alternative programme.

Exams scheduled for this Wednesday and Thursday, affecting more than 2 000 students, have been postponed until August 10 and 11, two days after exams were scheduled to end.

The staff of the Peninsula Technikon urged that the charges against the teachers be withdrawn immediately and that "every effort be made to normalise the situation at Langa High School".

At Langa High parents resolved to meet the Minister of Education and Training, Dr Gerrit Viljoen, in a bid to solve the crisis.

The school was recently closed after DET said it was not providing "effective education". Later the pupils flouted the DET's regulations by refusing to register. Teachers also refused to implement the regulations.

At a meeting at the weekend, speakers attacked the DET's actions during the crisis. Others called for the postponement of the registration.

The chairperson of the Parent Teachers Students Association, Mr Lungile Daba, this week accused the DET of "delaying tactics".

"We have been following normal procedure throughout this crisis. But the local DET officials have not been helpful. We have now decided to go the top," he said.

"Coloured' education minister Carter Ebrahim refused to comment.

CAPE TIMES 24/7/87

Kriel video misses 'critical moment'

Political Staff

THE police video of the funeral of Ashley Kriel last weekend did not change any of the conclusions he had reached about the actions of Major Dolf Odendaal, Mr Jan van Eck, the Progressive Federal Party MP for Claremont, said yesterday.

He said the video had not covered the critical moment when Major Odendaal ordered the firing of teargas on the clergy. It highlighted the large police presence from the start of the funeral, in spite of the agreement reached with the clergy that the police would maintain a low profile.

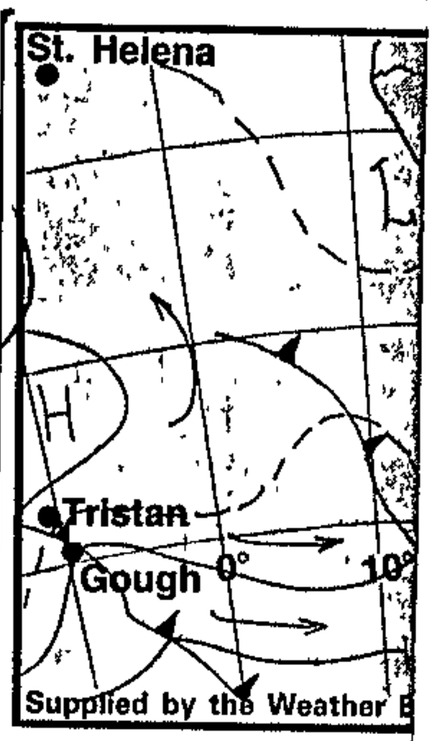
Mr Van Eck saw the police video of some of the events at the funeral yesterday afternoon together with Mrs Val Rose-Christie, the full-time organizer of the PFP's Unrest and Monitoring Group.

He said afterwards: "In view of whatever new light the video contains, I have no reason to change any of the conclusions that I reached about the actions of Major Dolf Odendaal.

"Specifically, what the video did highlight was the very large police presence, right from the very beginning of the first service — something which was exactly the opposite from the agreement reached between the clergy and the police, namely that the police would maintain a low profile.

"I had not seen the cemetery itself. The spectacle of a police camera filming mourners at a graveyard was fairly distasteful.

"However, the video was an incomplete version of the events and it did not cover at all that critical moment when Major Odendaal lost control, or lost his temper, and ordered the police to shoot teargas at the clergy," he said



Fine ar

CAPE PENINSULA and vicinit and Western Cape Coast Belt: Fine and warm, but will become cloudy an cooler towards the evening with light rain. The wind wi be moderately northerly be coming north-westerly to day. The minimum an maximum temperatures wi be between 6 and 24 deg C

YESTERDAY'S READINGS

	noon	8pm
Barometer	1021.6	1022.
Humidity	41.0	92.
Temperature	22.3	6.

max 23,7 min 25,2
(At D F Malan 24 hours to 8pm)
Hours of sunshine: 9,8
Wind (D F Malan) 8pm Calm

TIDES (TABLE BAY) TODAY
High 0231 1459
Low 0843 2104
Sun sets 1801 rises 0745
Moon rises 0702 sets 1636

TIDES (TABLE BAY) TOMORROW
High 0307 1530
Low 0914 2134
Sun sets 1802 rises 0744
Moon rises 0744 sets 1735

PHASES OF THE MOON
New Moon, July 25
First Quarter, August 2
Full Moon, August 9
Last Quarter, August 16

POOL, SEA TEMPERATURES
Muizenberg. Pool 13 Sea 12
Sea Point. Pool 13 Sea 12
Newlands 12

tele

TV schedules, supplied by the

6.00- 8.00: Good Mornin
3.27: Programme Sched
3.30: Take a Break Mus
4.00: Fast Forward. Pop
4.30: Wizard of Oz
4.35: Hand in Hand. Reli
4.40: Santa Barbara. Th families
5.05: We Got it Made. David have second

W|Mail 24-30|7|87 (275)

Schools boycotts spread as training colleges join in

By GAYE DAVIS
in Cape Town

PROTEST at education authorities' action against teachers escalated in the Western Cape this week as students at eight training colleges boycotted classes while thousands of high school pupils and University of the Western Cape students staged a Peninsula-wide stayaway yesterday.

There were stayaways in at least 22 of the 60-odd Cape Flats high schools under the Department of Education and Culture in the House of Representatives (DEC) yesterday, while attendance plunged in at least a further 14, according to *WM* sources.

A department representative confirmed attendance was low at "most" Peninsula schools, but said at some it was 90 percent.

The one-day stayaway, called by the Western Cape Students' Congress (Wecsco), follows similar action last Thursday, but was far more widespread.

Wecsco said this week the already volatile situation in schools, colleges and universities could "explode into another 1985", echoing earlier warnings from community and teacher organisations.

Police confirmed that three burning tyres were extinguished in a Mitchells Plain street. Near Bonteheuwel, a post office vehicle was set alight and three Bonteheuwel youths were arrested. They are expected to appear in court soon in connection with public violence charges.

At the University of the Western Cape, more than 2 000 students on Wednesday voted to stay away in support of Wecsco's call. Exams, due to have been written by more than 2 000 students this week, have been postponed to August 10 and 11.

At issue are the misconduct charges the DEC is bringing against 73 teachers who allegedly refused to administer year-end exams in 1985, when ongoing boycotts left pupils unprepared.

Contributing factors are the unresolved situation at Langa High School, closed recently by the Department of Education and Training and then defiantly reopened by parents, teachers and pupils, as well as harassment of Bonteheuwel pupils and public violence charges faced by a number of pupils.

Pupils at high schools in Cape Town's black townships boycotted classes this week in protest against public violence charges against 13 pupils as Langa High School parents, opposed to re-registering pupils at the school, decided to approach Minister of Education and Development Aid, Dr Gerrit Viljoen.

On Monday, at the first teacher's hearing, more than 2 000 teachers, students and parents gathered outside the department's Wynberg offices in a heavily policed demonstration of support.

After a subsequent meeting in the nearby Luxurama Cinema, a device police said was a home-made bomb was hurled into a police vehicle, slightly injuring one of the occupants.

The demonstration coincided with the start of a week-long boycott by students at eight DEC-controlled training colleges in the Peninsula and Boland, called by the Western Province Tertiary Student Representative Council in support of demands that the charges be dropped.

Students at some of the colleges were to have begun mandatory practice-teaching in primary and high schools this week but instead held awareness programmes. At other colleges, where students were to have attended classes, stayaways were staged, sources said.

Peninsula Technikon lecturers issued a statement supporting the students' stand and condemning "bureaucratic high-handedness" for heightening tensions at schools, colleges and universities.

Judgment in the case of the first teacher, Crestway High School deputy principal Phillip Tobias, was reserved and subsequent hearings, to have continued this Monday, were this week postponed indefinitely by the DEC, an attorney confirmed.

Court told of Crossroads meeting in EL

Supreme Court Reporter

AN OLD CROSSROADS shopkeeper — who claims to have been "popularly chosen" as Crossroads leader — flew from Ysterplaat in a government aircraft with government officials to negotiate in East London with Crossroads Mayor Mr Johnson Ngxobongwana, the Supreme Court heard.

The flight, on June 9, 1986, was made on the day a "witdoek" attack that destroyed most of KTC camp began and after the Portland Cement, Nyanga Bush and Nyanga Extension squatter camps were razed.

These claims were made by Mr Prince Gobinca, who was yesterday granted a temporary order restraining Mr Ngxobongwana and three members of his officially recognized committee from assaulting or threatening him and two associates, Mr William Boko and Mr Mzwandile Yeko.

Mr Ngxobongwana and three members of his committee — Mr Alfred Pupu, Mr Alfred Gele and Mr Eric Ndzingu — must show cause on August 26 why the temporary order should not be made final.

In an affidavit filed in support of his application, Mr Gobinca claims he was "popularly chosen at a meeting of residents as leader and spokesman of the residents in order to liaise with the authorities in regard to the upgrading of Crossroads".

It followed an alleged decline in Mr Ngxobongwana's popularity following his alleged involvement in an incident in March when "certain residents were attacked and killed" after which Mr Ngxobongwana left for the Ciskei.

Mr Gobinca says he was approached by the chief superintendant of Nyanga, Mr Ricky Schelase, who asked "whether it would not be in the interests of all" for Mr Ngxobongwana to return to Crossroads.

Residents consulted allegedly agreed to his return "on condition that he worked with me (Mr Gobinca) and did not cause more fighting".

Mr Gobinca says he then flew from Ysterplaat to East London in a military or State plane with Mr Schelase and the chief director of black housing in the Western Cape, Mr Graham Lawrence.

They met Mr Ngxobongwana who agreed to abide by the condition stated for his return and they discussed "the upgrading of Crossroads".

But, the relationship between Mr Gobinca and Mr Ngxobongwana subsequently "deteriorated".

On April 12 this year, it was heard that Mr Ngxobongwana had been appointed mayor and the other three men cited in the suit had been appointed to the newly constituted Crossroads Town Committee.

Mr Justice C T Howie presided Mr S P Rosenberg, instructed by Yekiso and Associates, appeared for the applicants Mr P F Cloete, instructed by Bornman and Hayward, appeared for the respondents.

Pesti
Grain
Sulph
Spray
Galva
Work
Cold
Talc
Build
Sewag

TO ADVERTISE ON THIS PAGE — TELEPHONE

Petrol bombing: two men appear in court

25/7/87 275

Dispatch Reporter

EAST LONDON — Two Queenstown men appeared in the Regional Court here yesterday accused of stoning and throwing petrol bombs at the home of Mrs Mandisa Madubedube, of 358 Mlungusi, Queenstown, on January 8 last year.

Mr Pezile Mbambo, 19, and Mr Dodonzi Mgagi, 22, both pleaded not guilty to the charges of public violence, alternatively arson.

Mrs Madubedube, who was called as the sole state witness, said she was disturbed at midnight on January 8, 1986, by footsteps outside her house.

She said she looked out of her sitting room window and saw Mr Mbambo light a petrol bomb and throw it through the window.

She said after the house caught alight she ran to one of the back rooms and saw approximately 10 people throwing stones at the house.

As a result of the fire the house was almost totally destroyed, causing an estimated R1 500 damage.

Both the accused said they knew the complainant but claimed that they were not at the scene of the incident.

Mr Mbambo, who was at school at the time of his arrest on July 14, 1986, said he was asleep at home during the time of the incident.

During cross-examination by the prosecutor, Mr T. H. Carstens, Mr Mbambo complained of feeling ill and the hearing was adjourned for ten minutes so he could recover.

In summing up the state case, Mr Carstens said Mrs Madubedube had correctly identified the accused. He said she could see them clearly because of the powerful light on the outside of her house.

The defence attorney, Mr T. M. Ntasaluba, said the state witness gave a biased and exaggerated account. He said Mrs Madubedube could not possibly have identified the accused in the confusion.

Mr Ntasaluba said the state had failed to prove beyond reasonable doubt that the accused did in fact attack Mrs Madubedube's home.

The case was postponed to August 5, 1987, for verdict.

The magistrate was Mr D. Cronje and Mr Ntsaluba was assisted by Mrs C M Venter of the Sangomi Partnership.

EMERGENCY UPDATE

Nyanga security force member shot

PRETORIA. — The shooting of a member of the security forces in Nyanga was included in today's unrest report.

Police in Pretoria said the incident was reported overnight. According to the report: "At Nyanga, near Cape Town, unknown blacks entered the home of a security force member and shot him in the chest and hip. His condition is serious. Police are investigating. No arrests have been made." — Sapa.

Cape Times 28/7/87

Police shooting: Damages award

Supreme Court Reporter

THE Minister of Law and Order has been ordered to pay damages of R20 766 and the legal costs of the mother of a 16-year-old Langa boy who lost his right eye after being shot by uniformed police.

Mr Acting Justice B Hoberman said the shooting was "prima facie wrongful and unlawful and, if not intentional, was negligent".

Evidence was that on the evening of October 19, 1985, the boy was waiting with a companion opposite the Washington Road bus terminus for a friend, who had taken pants to a local tailor for mending.

He and his friend noticed a number of police vehicles parked on a sandy circle, with uniformed policemen carrying "long guns" standing by.

Three buses arrived, filled with mourners who had attended the funeral in Guguletu of certain "comrades" shot by police. The mourners disembarked, "speaking very loudly" about what they had seen at the funeral.

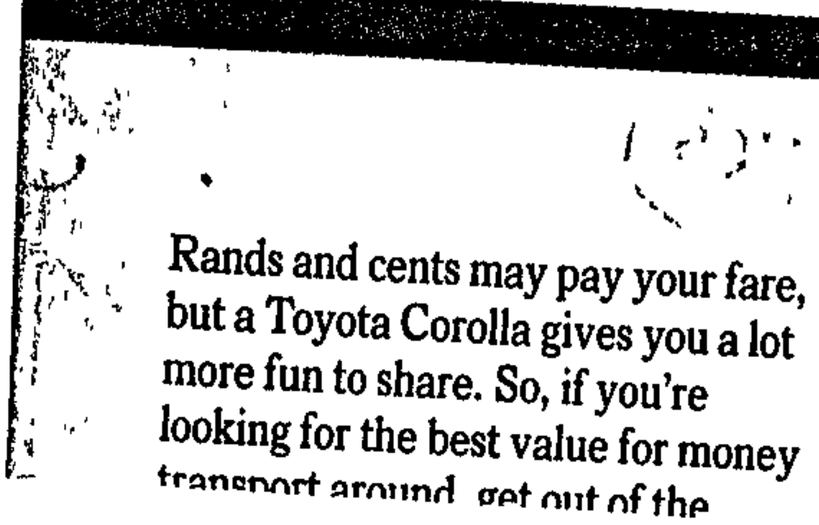
Soon after the mourners had passed and while the boy was facing away from the circle, he heard shots, turned to see where they were coming from and was shot in his face, shoulder, neck and back.

Both his friends were hit as well, and all took shelter in a nearby toilet. The boy was taken to hospital after some delay and his badly wounded eye subsequently had to be removed.

The judge remarked that evidence led on behalf of the Minister about police activities at the time was "quite inconclusive". He said he was unable to infer from the absence of a record of the shooting in the police "occurrence book" that Langa police were not involved.

He added that he found it "strange" that no one who could testify as to how the various local policemen were engaged at the time of the shooting had been called as a witness.

Mr J Krige, instructed by Buchanan Boyes, appeared for the boy's mother. Miss A M de Swardt, instructed by the State Attorney, appeared for the Minister



Rands and cents may pay your fare, but a Toyota Corolla gives you a lot more fun to share. So, if you're looking for the best value for money transport around, get out of the

Cape Times 28/7/87

Refuse strike: Meeting today

Municipal Reporter

THE dustmen's two-week work-to-rule may end today if negotiations between their union and the City Council over a wage dispute are successful.

City Engineer Mr Des Riley confirmed yesterday that Mr Richard Friedlander, the chairman of the executive committee, would head the council negotiating team at the meeting today.

Mr Friedlander accompanied the mayoral entourage to Madeira recently. In his absence, Mr Louis Kreiner was left in charge of Exco, and when he fell ill Mrs Stott led the team. She expressed some unwillingness to make major decisions in the absence of Mr Friedlander and Mr Kreiner.

On Friday, council electricity workers joined the work-to-rule.

Mr Peter Rist, head of the Parks and Forests Branch, quashed speculation yesterday that workers from his branch would join the work-to-rule this week.

"I have had no reports of a go-slow at all. Everything is normal," he said.

Mr John Ernstzen, general-secretary of the Cape Town Municipal Workers' Association, could not be reached for comment late yesterday.

28/7/87
Argus

Squatters oppose court bid

Supreme Court Reporter

PAPERS opposing a bid by the Minister of Law and Order to have four damages actions against him consolidated into one, have been filed in the Supreme Court, Cape Town.

The actions follow widespread violence in the Crossroads area last year.

The Legal Resources Centre (LRC), Cape Town, has been instructed by about 3 300 former residents of the Nyanga Bush, Nyanga Extension and Portland Cement squatter camps to seek damages from the Minister for destruction of their property.

Four separate Supreme Court actions have been entered as "test cases", and the Minister is attempting to have all the actions heard on September 15 when the first trial — "Mr P N Mzamka and 20 others versus the Minister" — is due to start.

The consolidation bid has been postponed *sine die*.

The Mzamka claim arises from an attack by "witdoeke" from Old Crossroads allegedly supported by the South African Police, on the KTC camp between June 8 and 13 last year.

Similar attacks are alleged by applicants in the other three cases:

"Mr A M Fadashe and six others" (attack on Nyanga Extension, Nyanga Bush and Portland Cement on May 18, 1986), "Mr Lawrence Luphondo and three others" (Nyanga Bush and Nyanga Extension on May 19, 1986) and "the Methodist Church in Africa" (KTC on June 9, 1986).

Mr Matthew Walton, a LRC attorney, said in an affidavit that the balance of convenience did not favour consolidating the cases.

An attorney acting for the Minister, Mr Edmund Booth, said in an affidavit that the basis for the four actions was similar and it would save time, money and manpower to have them consolidated, instead of running them separately.

"What he is attempting to do cannot be a fair reflection of the will of the people of KwaNdebele."

places for blacks but a surplus existed at many white schools. — Sapa

at conferences arranged by interested groups.

CAPE TIMES 30/7/87

'Konstabels beat pupils with shotguns'

By ANTHONY JOHNSON

THIRTY "kitskonstabels" recently engaged in a "brutal, indefensible act of barbarism" when they indiscriminately beat up "the entire school population" at I D Mkize School in Guguletu, Mr Jan van Eck (PFP Claremont) told Parliament yesterday.

During the attack the kitskonstabels:

- "Used their shotguns and batons to indiscriminately beat up students inside and outside their classrooms.
- "Dragged at least one female student from a classroom and then beat her up.
- "Used their boots to kick female students who had already been assaulted and were lying on the ground.
- "When teachers tried to intervene to restore calm and protect students they were threatened or accused of instigating anti-kitskonstabel sentiments."

Speaking in the National Education and Training vote debate, Mr Van Eck — who heads the PFP's Unrest Monitoring and Action Committee — said the attack took place after "a few" students who were standing outside their classroom had made "some derogatory remarks" about the kitskonstabels who were walking past the school.

"Without making any attempt to first go and see the principal or any of the teachers or act against these specific students, the 30 kitskonstabels merely charged into the school and into the classrooms where teachers were busy teaching and attacked the entire student population — whether guilty or not," he said.

"The result of this brutal, indefensible act of barbarism is that the community has now been pushed even further on the road towards justifying and condoning the use of counter-violence against a government that is using such despicable methods against its young people."

Mr Van Eck said that unless the minister, Dr Gerrit Viljoen, persuaded the Minister of Law and Order "to keep these provocative policemen" off school grounds, "more and more of these youngsters will do what Ashley Kriel did — leave South Africa to train as a guerilla and come back to take revenge".

Replying to the debate, Dr Viljoen said he did not consider it "normal" for security forces to enter the school grounds.

CAPE TIMES
3/7/18

R1,3m paid to shooting victims

Own Correspondent

PORT ELIZABETH. — Just over R1,3 million is to be paid out by the State in the 51 civil claims arising out of the Langa shootings on March 21, 1985 — in which 20 people died as a result of police action, it was disclosed yesterday.

And reaction to the news yesterday was that the implications contained in the unconditional pay-outs are staggering.

An initial payment of R1,12 million made unconditionally in to court by the Minister of Law and Order on July 22 was rejected by the plaintiffs' legal representatives in respect of three claims.

Settlement was reached yesterday when the minister approved an increase in the payments in the three claims. The costs of the applications are also to be paid by the State.

The highest pay-out was R450 000 to paraplegic Mr Lawrence Gqubule, who is under medical care at Uitenhage Provincial Hospital.

The 15-year-old "boy on the bicycle" who achieved much prominence during the Kannemeyer Commission of Inquiry into the shootings for the role he played on the day, Moses Bucwa, is to receive a damages payment of R17 000.

Largest claim

Professor of law and director of the Centre for Applied Legal Studies at the University of the Witwatersrand, Professor John Dugard, last night said the overall settlement was the largest claim of its kind awarded in South African legal history.

He said it was significant "because it amounts to an admission of liability on the part of the government in that it is an admission that the shootings were unlawful.

"And it seems strange that despite the fact that the government is prepared to pay such a large sum, no disciplinary action has been taken against the police."

Police admit liability for Langa massacre

IN what amounts to an admission of liability, the Minister of Law and Order has paid out R1,3-million to 51 people injured or widowed in the "Uitenhage massacre" of March 21 1985.

The payment is accompanied by a rare concession notice which states the minister "unconditionally pays the sum of R1,3-million".

"It means the police have admitted they acted wrongfully and negligently and that this was the cause of the incident," a Johannesburg attorney said. "It means the police are open to charges of culpable homicide."

By JO-ANN BEKKER

More than 21 people were shot dead — many in the back — when police opened fire on a crowd of funeral-goers on the anniversary of the Sharpeville shootings in Uitenhage's township of Langa. It was the first mass police killing in a year which was marked by other "massacres" in Queenstown, Mamelodi, Winterveld and Alexandra as spiralling unrest turned into bloody conflict.

The Uitenhage shootings evoked a national and international outcry, and the South African government appointed a judicial commission of enquiry under Judge Donald Kannemeyer to investigate the circumstances surrounding March 21 1985.

Legal papers in the civil application which was due to come before the Port Elizabeth Supreme Court on Monday, recreated the fateful march down Meduna Road, Langa, and the contrasting versions of these events presented to the Kannemeyer Commission.

But while the settlement contradicts the police version presented to the commission, it does

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P.T.O.

Court halves Zolani residents' sentences

By ANDREW DONALDSON

PRISON sentences for public violence imposed on 32 residents of Zolani, near Ashton, by a Worcester magistrate last year and totalling 258 years were yesterday cut by more than half by the Supreme Court.

The residents — including youths and five children — had all appealed against their convictions and subsequent "heavy" sentences by the Regional Court magistrate, Mr A J van Wyk.

A 33rd resident, a youth, was sentenced to seven cuts with a light cane — and did not appeal against his sentence.

They were convicted of partly burning the homes of Mr Khaluse Ndabeni and Mr Stanford Matroos, and of stoning and partly burning a vehicle belonging to a Mr Fanie Klaas on November 20, 1985.

All three were leading members of the vigilante group "amasalomzi" — which, the court heard yesterday, appeared to enjoy SAP support.

The appeal against their sentence was dismissed.

However, lodged with their appeal was an application for further evidence to be placed before the court. This evidence, contained in affidavits and unopposed by the state, related to socio-political circumstances at the township at the time of the burnings.

In his judgment — and referring specifically to this fresh evidence, Mr Acting Justice Thring said Zolani was a poor, isolated, overcrowded community with a high unemployment rate

"African youths have become to feel trapped in these small places. Violence erupts easily in these places," the judge said.

Coupled to this was the emergence of the vigilantes. "It does seem that a section of the community did become resentful, as it did appear they (the vigilantes) enjoyed the tacit approval of the SAP," the judge said. He said subsequent interdicts against the vigilantes at Zolani by residents there and granted by the court did indicate the "amasolomzi" infringed "upon the rights of others".

These affidavits had been submitted to Mr Van Wyk for his comments, which were also before the court

"(But) the magistrate was not impressed," said the judge, adding Mr Van Wyk had declared it would not have affected the severe sentences he imposed.

Despite this, the judge said a "substantial portion of the sentence should be suspended" in line with other sentences for public violence elsewhere in the country during the last two years.

Three of the residents who had been previously sentenced to 10 years' imprisonment each now had half their sentences suspended conditionally for five years.

The 29 others — who had all recieved sentences of seven and eight years — were now ordered to serve six years, three of which were conditionally suspended for three years.

Mr Justice Lategan concurred Mr M Donen, instructed by Mallinick, Ress, Richman and Closenberg, appeared for the appellants Mr B Rörich appeared for the state

Police shot guerillas at close range, court told

Capt Times 4/8/87

By YVETTE VAN BREDA
Court Reporter

SIX of seven alleged African National Congress guerillas killed by police in a shoot-out in Guguletu were shot at "very close range", the Parow Regional Court heard yesterday.

Dr Johan van der Spuy and Dr David Klatzow were giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who has pleaded not guilty to a charge of making false statements to the BBC in connection with the shoot-out on March 3 last year.

Dr Van der Spuy, a general, orthopaedic and neuro-surgeon, is head of the trauma unit at Groote Schuur and a senior lecturer in surgery at the UCT Medical School. Dr Klatzow is a forensic specialist.

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eye-witnesses to the killings of three of the men more credible than that of the police evidence delivered earlier.

Mr J Gauntlett, for Mr Weaver, said there had been evidence that Mr Godfrey Jabulani Miya was shot by Sergeant W Bellingham and Sergeant A Grobbelaar. They said he had a hand-grenade and that a number of policemen fired at him. He dropped under a tree and some policemen kept on firing at him.

Dr Van der Spuy said: "Clearly there was a through and through shot of the left buttock. A fairly long elongated injury which to all intents and purposes looks like a burn, stretching over 15 to 20cm. The post mortem said it was a burn injury and not a bruise.

"It looks like a flash burn injury. When the blast escapes from the barrel, there is a blast of hot gases. That would burn tissue or material close to the barrel.

"As to the proximity of the barrel, I would say this was a contact or virtually a contact shot."

Dr Klatzow said he had experimented on pig's heads because their skin was similar to human skin and one did not have to remove fur. He fired at it from about 10cm away and the pig sustained a burn from the flash protector, a perforated sleeve covering the muzzle of the gun.

It was similar to the one sustained by Mr Miya and showed the same "tracks and greyish colour" expected from a flash protector at close range.

To page 2

[redacted] meet fellow teenagers from different geographical and social backgrounds".

Hiram Abrahams

arship as "a nice opportunity" and said she hoped to bring back and share the knowledge she gained.

[redacted]

Jenny Smith

broadcast, newspapers said yesterday. — Sapa-AP

Cape Times 4/8/87 (BGA) 275 (BM) (BM)

From page 1

Mr Gauntlett said there was also evidence that Mr Christopher Piet was running through the intersection at NY 1 and NY 111 holding an AK-47.

Warrant Officer J Sterrenberg said he fired seven shots at him at a distance of about 20 to 30 metres. The deceased did not turn around, he looked back once, but never turned "full face".

W/O Sterrenberg agreed that he probably inflicted a chin wound. There were no injuries on the the deceased's left side, although he was being fired at from the left.

A witness would say he saw Mr Piet lying prone on the ground and that someone walked up to him with a "long gun" and fired at him from a close distance, Mr Gauntlett said.

Dr Van der Spuy said that according to the post mortem report, Mr Piet sustained 16 wounds. There were no indications of injuries on the left profile, the side he was presenting to W/O Sterrenberg.

"It is difficult to visualise how the left profile did not sustain any wounds. He had an injury on the right hand side of his temple and face.

"From the photos in the post mortem report I must assume that this was a more or less vertically directed injury to the temple and right cheek.

"If the policeman was standing upright, he would have to have been shooting up at a platform, or from below. I would have to reject that evidence.

Mr Gauntlett: "There was no suggestion that the policemen were in trees or holes in the ground."

Dr Van der Spuy: "The only suggestion left is that he sustained this shot while lying down His other injuries also seemed to have been vertical."

"I would find the eye witness account more probable than Sterrenberg's account because if at that stage the victim was lying on the ground, it tallies with the pictures and the post mortem report.

"The chin shot was not necessarily one that would put you down and keep you down. The shot to the back of the head — definitely a fatal shot."

Mr Gauntlett said Sergeant W Bellingan had shot at Mr Zambonke Konile from two to four metres. Two other witnesses in a bus said they saw a policeman stand over him and shoot.

Dr Van der Spuy said there was one shot behind the ear, exiting from the eye and one shot behind the right ear, into the base of the left brain.

"Either of these shots would have put him down and kept him there."

As Sgt Bellingan said he had not shot frontally the only possibility was that the man had turned his head very "grossly".

"Either of the shots could have been fatal in the short term, if not immediately so. Shot one was probably more fatal.

"I can find nothing of the witnesses Benting and Smith which would make their version improbable; it is totally possible, but I have difficulties with the evidence of Bellingan," said Dr Van der Spuy.

More acceptable

Mr Gauntlett said evidence was that Mr Themba Mfili had been fired at by Constable T Mbelo, who said he fired five shots at the man from the rear of a vehicle Two witnesses said the man had his hands in the air, was shot at and then dropped. There was also a second shot.

Mr Mfili had a stomach wound entry exiting just below the head. He sustained a second shot through the left cheek exiting at the back of the head. Dr Van der Spuy: "One explanation could be that the (victim) was standing well above the shottist, or lying down and shot at from a few yards away.

"The (head) shot was a fatal shot, it would have pole-axed him and killed him. It would have been virtually instantaneously fatal."

He said it was more acceptable that Mr Mfili was shot at with a rifle but did not rule out the possibility of a 9mm pistol being used. It was probable that the head shot was the first shot and probably fatal.

"This is significant in that it means the second shot (to the stomach) was either just before or after death."

"The eye-witness accounts are certainly more compatible with the medical evidence than the police accounts."

Mr Gauntlett said further evidence was that Mr Zanisile Zenith Mjobo and Mr Mandla Simon Mxinwa had been shot at by W/O Barnard who said he chased the two men into the thiek bush.

Mr Mjobo turned around and fired at W/O Barnard and he fired two shots with a shotgun from the hip. He was six to seven metres away.

Dr Van der Spuy said a felt wad was left in the brain which indicated that the shot was fired from a maximum distance of two metres into the jaw The shot to the left side of the brain was absolutely fatal.

W/O Barnard also said Mr Mxinwa had swung around with a hand-grenade and that he had fired at him three times from about six metres away. He said Mr Mxinwa was in an erect position.

Dr Van der Spuy said Mr Mxinwa could have been on his knees or prone, but not erect to have received the wound to his shoulder. He could not visualize him sustaining such a shot if both people were standing upright on level ground.

Asked to comment on the fact that several of the men were shot behind the ears, Dr Van der Spuy, who is also a shottist, said: "This is remarkably good shooting on moving targets."

Asked by Mr S Shrock, for the State, if it was possible that Mr Mxinwa was running with his upper body hunched over and head tucked in firing an AK 47, Dr Van der Spuy replied: "This is on the outer borders of reality."

Major S Brits said shrapnel and bullets found in the seven victims could not be analysed by experts as they were destroyed by police after the inquest even though police knew of the charges Mr Weaver was facing.

The hearing continues today.

Mr J M Lemmer was the magistrate Mr Gauntlett was instructed by Findlay and Tait.

11.35: Evening Prayer. Rev N Abrah
11.40: Transmission Ends

TV2

4.50: Masidlale. What happens to s been planted.
5.00: Ikhaya Labatwana. Different ty plants produce them.
5.10: Moving on. Get Up and Go (Engl believe young clubs are for " and are run by "high-and-mig
5.30: The Lone Ranger (simulcast, Ranger helps a father and dau danger of being taken away f
6.00: Transmission Ends

M-NET

6.00: Hawaii 5'O. Once Upon a Time. A she is healing McGarrett's siste but he ails more and more. I investigate the healer.

TV2

7.00: Public Affairs
7.28: News
7.57: Cothoza Mfana. Traditional M
8.14: Ezemidlalo
8.57: Epilogue
10.15: Sport: Rugby. Sara v Stellalan championships

TV4

9.04: Music. Rewind Cat Stevens, S hood of Man, Manhattans, B Jennifer Rush, Madonna, Bla Ballet, David Foster, A-Ha, Ta
9.57: The Borrower. The story of bank accountant with comp funds. "Borrowed" money re
11.31: Mother-in-Law. Who's Afraid o enjoying an Elizabeth Taylor asks Roger whether, given ha date the glamorous movie st
11.58: Transmission Ends

Editor keeps punch

LONDON. — The British maga for its satirical commentaries or politics, yesterday announced th 40, would replace Mr Alan Co January. Mr Coren, 49, who ha for 25 years and has been edito he was "tired of being famous

Schoolboy on

ITY

Argus 4/8/87 375

Men shot at close range, say experts

Tygerberg Bureau

TWO experts have testified that some of the seven men who died in a shootout with police in Guguletu in March last year were shot at close range while lying on the ground.

The evidence was submitted yesterday during the trial of Cape Times reporter Tony Weaver, who is charged in the Parow Regional Court under Section 27b of the Police Act.

The State alleges that Mr Weaver made untrue reports about police action in connection with the death of the seven men on March 3 last year.

He allegedly said in an interview with the BBC that the men had been shot in cold blood and that police later planted weapons on their bodies.

Three charges against Mr Weaver have been dropped. He has pleaded not guilty to a fourth charge.

Defence witness Dr Johan van der Spuy, a trauma expert, said the shots fired at Zanisile Zenith Mjobo, which police claimed were from about 6m away, must have been so close as to have been "in virtual body contact".

Similar evidence was submitted by Dr David Joseph Klatzow, a forensic consultant in private practice in Johannesburg and a specialist on firearms and medical biochemistry.

Prone state

He said he ran ballistic tests with weapons and ammunition similar to those used by the police.

One of Mr Mjobo's wounds could have been caused only by "a close-contact shot".

It had a very distinctive burn pattern similar to one he had duplicated at his test range on the head of a dead pig with an R1 rifle shot from about 10cm away.

He and Dr van der Spuy also testified that Mr Christopher Piet, allegedly shot various times by police from 6m or more, had an injury which seemed to indicate that he had been in a prone state and shot from much closer range.

Defence counsel Mr J J Gauntlett said witnesses at the nearby Dairybelle Hostel told Mr Weaver they had seen a man lying on the ground being shot in the head by another man from only a few metres away.

Dr van der Spuy said the witnesses' account "could easily have been entirely correct".

Dr van der Spuy said wounds behind Mr Zambonke John Konile's right ear must have been the result of good shooting "to hit a running target behind the ear with both shots".

The trial continues today.

Mr J M Lemmer is on the Bench and Mr S Shrock is appearing for the State Mr Gauntlett is instructed by Findlay and Tait

Police killing of 'ANC 7' described in court

Cape Times 5/8/87

By YVETTE VAN BREDA
Court Reporter

THREE men who saw a shootout in Guguletu from a hostel overlooking the scene told the Parow Regional Court yesterday that police shot a man on the ground and another who had his hands raised in surrender.

Mr Bowers Vumazonke, Mr General Sibaca and Mr Cecil Msutu were giving evidence in the trial of the deputy news editor of the Cape Times, Mr Tony Weaver, who is charged under section 27 (b) of the Police Act.

The charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the March 3 shootout in Guguletu when seven alleged ANC guerillas were shot dead by police.

The state alleges that Mr Weaver unlawfully published untrue matter by claiming that the men had been shot in cold blood.

Mr Vumazonke, a cleaner at the Dairybelle hostel, which overlooks the scene of the shooting, said he was working at the hostel when he heard a "noise which sounded like two cars colliding".

He looked out of the window and saw a person lying face down under a tree near the intersection of NY1 and NY111.

"I saw a policeman shoot him while he was lying there He shot him with a long gun pointing down at the ground," said Mr Vumazonke.

He went outside and saw a minibus parked at the intersection and two other men lying in the road. While he stood there a policeman approached him and told him to leave the scene

He later spoke to Cape Times reporter Mr Chris Bateman, and told him what he had seen. He said Mr Bateman spoke in fluent Zulu and he had no problem understanding him

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P.T.O.

From page 1

Cross-examined by the prosecutor, Mr S Shrock, Mr Vumazonke said he saw no weapons on the man on the ground who was lying still. He had not seen the man fire any shots.

He said he saw the profile of the policeman who fired once and then turned and walked away.

Two days later police took him to Bishop Lavis police station where he made a statement. The statement had been handwritten by a "white policeman" helped by a "black policeman", who interpreted.

The statement had later been typed in Afrikaans, which he could not read. When it was read to him yesterday, he said there were certain "additions" his original statement had not contained.

The only parts of the statement he was aware of were those the interpreter told him.

Mr Msutu, 61, an assistant mechanic who has been employed by Dairybelle for 24 years, said he was sleeping in the hostel when he he was woken by shots.

He went outside and saw a man with his hands raised on either side of his head being shot by a policeman. The man had fallen on to his back after the shot was fired and the policeman had shot him again.

He said the policeman was about two metres from the man when the shot was fired.

He then went back inside and from his window saw police drag a man from the bush with a rope.

He said he had also spoken to Mr Bateman.

When police asked him to make a statement he had failed to tell them of the shooting. "They said if I say another thing about that they would take me into custody," he said.

"When they came to ask me for a second statement, I did not make one because those who were shot are my brothers and I decided they must arrest me rather than make me give another statement."

Cross-examined he agreed that he had lied to the police because he was afraid. He said he was not prepared to be a state witness. He explained that what he meant by "brothers" was "black people".

Mr Sibaca, who works at Dairybelle as a packer, said he was preparing for work when he heard a noise "like two cars crashing".

Looking out of his ground-floor window he saw two minibuses at the intersection. He saw "black men running towards the bush. Police were shooting at them from the combi".

"The men running towards the bush were firing back and one of the bullets hit my window and broke it," he said.

He went to tell the watchmen at the gate of the shooting and on returning to his room he saw one of the policemen call one of the black men.

The man came towards the policeman w th his hands raised and the policeman removed a gun from the man's belt.

Another policeman then grabbed the man by the back of the neck, kicked him in the small of his back and pulled him down causing him to land on his back on the ground.

"A policeman stationed in NY1 shouted 'shoot him' and then the policeman shot him with a long gun. He was pointing the gun downwards."

He said he had spoken to Mr Bateman and told him what he had seen.

All three men said they had no reason to lie about what they had seen, they were not in trouble with the police and were not involved in politics.

Previous evidence was that police had set up a counter-attack after receiving information that a police vehicle which passed a certain corner in Guguletu each day between 7pm and 7.30pm would be attacked.

Yesterday Dr Johan van der Spuy and Dr David Klatzow said six of seven killed were shot at "very close range".

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eyewitnesses to the killings more credible than that of the police evidence delivered earlier.

The hearing contnues today in the Cape Town Regional Court.

Mr J M Lemmer was the magistrate Mr J Gauntlett instructed by Findlay and Tait appeared for Mr Weaver

AKEN 5/8/87

Bellville unrest death: Police not covered by indemnity, says State

Staff Reporter

INDEMNITIES granted to police under emergency regulations were a drastic infringement of normal public rights, counsel for the State said in the trial of two policemen charged with murder and attempted murder.

Mr H G Klem SC was arguing in the Supreme Court, Cape Town, yesterday against the incident out of which the charges arose being covered by the indemnity.



Warrant Officer Kruger



Constable Ernest Villet

Constable Ernest Villet, 27, and Warrant Officer Paulus Kruger, 36, were not asked to plead pending the outcome of argument on whether they were indemnified.

They are charged with murdering Miss Sarah van Wyk and attempting to murder three other schoolgirls during unrest in Bellville South on August 29 1985.

Mr Klem argued that they were not covered by the indemnity because the emergency regulations were in force only in 36 magisterial districts — excluding Bellville — at the time.

LINE OF DUTY

To be indemnified, actions had to be carried out in the line of duty, the exercise of powers and the performance of official functions.

They had to be taken in terms of the regulations, in good faith and aimed at public safety and assuring public order.

The indemnity applied only when all requirements were met.

Duty, powers and functions of officials were all of the same order and the law intended to restrict all three and not just one. It would be absurd to restrict only performance of functions, Mr Klem argued.

The State alleges that on August 29 the policemen fired on a crowd in Armada Crescent and killed Miss van Wyk and Miss Mercia Coetzee. Miss Cressenda Cupido and Miss Monica Daniels were injured. Miss Daniels later lost her right arm.

(Proceeding)

Police claim emergency indemnity in killing



EL. . . Warrant-Officer Paulus Kruger (right) out-Court yesterday with his defence counsel Mr A H d Mr D Uijs, defence counsel for co-accused Constable Ernest Villet.

Supreme Court Reporter

TWO policemen accused of murdering a schoolgirl delayed pleas in the Supreme Court yesterday, claiming they were indemnified from prosecution by regulation 11 of the emergency regulations in force at the time of the killing.

Constable Ernest Villet, 27, of Elsie's River and Warrant-Officer Paulus Kruger, 36, of Bellville sat side by side in the dock, dressed in almost identical grey suits, as their defence counsel argued the point with Deputy Attorney-General Mr H G Klem.

The regulation they are relying on provides that no civil or criminal proceedings shall be brought in any court of law against state officials, including policemen, "by reason of any act in good faith" ordered or performed officially in terms of the regulations in an area where a state of emergency exists and aimed at ensuring public safety and order or ending the state of emergency.

The state alleges that on August 29, 1985, the two policemen, armed with shotguns, were positioned at a T-junction at the corner of Industry Road and Armada Crescent in Bellville-South from where "obstructions and burning objects" had been removed earlier.

They were ordered to hide behind a fence and to arrest any "agitators" who returned, or to "act as they deemed fit under the circumstances".

About 7.15pm a group of people walked by "out of curiosity" and gathered at the T-junction with others already there.

Another policeman about 100 paces away from the two accused, "convinced" that the crowd was out to cause a riot, fired a teargas grenade in its direction.

The crowd scattered, walking or running down Armada Crescent but was fired on by the accused, the state alleges.

About seven shots were fired. One killed schoolgirl Miss Sarah van Wyk. Three other schoolgirls were hit. One lost her right arm.

Constable Villet and W/O Kruger face three charges of attempted murder in addition to the murder charge.

Mr Klem argued yesterday that the two accused were not covered by the regulation 11 indemnity since they were not acting in terms of the regulations which were in force only in 36 magisterial districts — excluding Bellville — at the time.

He said the regulation 11 indemnity differed from previous indemnity provisions — enacted after the Sharpeville massacre and after the 1976 Soweto uprising — in containing the condition that the indemnified official should be acting in terms of the regulations.

The trial continues.

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assessors Mr W Downer appeared with Mr Klem. Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for W/O Kruger

ARGUS 5/8/87

Intimidation case: '3 just questioned'

Staff Reporter

THREE Khayelitsha women who told police they narrowly escaped being necklaced after refusing to denounce a community leader, had merely been questioned about their support for a deposed leader who had stolen residents' funds, a Mitchell's Plain magistrate heard.

Mr J Krige, who appears for six of 10 men charged with intimidating the women, told the court the women had been questioned about secret meetings they had held against the wishes of leaders who replaced the ousted official.

Earlier in the trial, a Mrs Luzy Mazula said she and two other women were about to be necklaced when their attackers were disturbed by a group of youths playing soccer.

The State alleged that the men, who have pleaded not guilty, threatened the women with assault, injury and necklacing if they refused to denounce a Crossroads leader, a Mr Maqula who had moved to Khayelitsha The alleged incident took place on Easter Sunday.

The accused, all of A Section, Khayelitsha are Mr Thomas Ngwane, 35, Mr William Moleleki, 38, Mr Ndakuziva Bokova, 31, Mr Alfred Matunzi, 43, Mr Bonisile Jonga, 52, Mr James Bumile, 42, Mr Shadrack Nontaza, 34, Mr Nelson Konana, 41, Mr Jackson Jack, 49, and Mr Dickson Makemene, 45.

The defence said evidence would be produced to show that Mr Maqula had been deposed as leader of Khayelitsha's A section after he had stolen money belonging to the committee elected by residents.

After this, Mr Thomas Ngwane had been elected as leader and the women had continued to back Mr Maqula This had given rise to the April 19 meeting which had been convened to question the women about their support for the ousted leader and not to threaten them with injury.

Mrs Mazula said that on the morning of April 19 she, Ms Daisy Nomfulana and Ms Beauty Noyokela were summoned to a meeting on an open field in the A section where they were questioned about their support for Mr Maqula.

They replied that they wanted Mr Maqula, who had often negotiated with the authorities, to acquire a creche

Mrs Mazula said Mr Ngwane had told her that his group did not work with Mr Maqula because he had worked with "white people". Mr Ngwane had said that his group worked with the UDF

Mrs Mazula said she and the other women were then called witches and one of the accused, Mr Konana, said "these people should be murdered". Mr Konana brought a tyre and another man produced a can of petrol, she said.

The trial was postponed to October 5.

Tankers move in spite of 'Martyrdom' threat

ABU DHABI. — Oil tankers continued to move — although cautiously — in the Persian Gulf today in spite of heightened rhetoric in Iran's war of words with its US-backed neighbours and its warning to shipping to keep its distance.

Shipping sources said two loaded Japanese tankers sailed out of the Gulf overnight through the tense Strait of Hormuz where vessels were keeping as far away as possible from the Iranian coast.

Iran's Revolutionary Guards yesterday launched a three-day naval exercise in the the Gulf, the strait and the Gulf of Oman amid repeated warnings they would confront any ships which entered their territorial waters.

The manoeuvres, codenamed Martyrdom, have been widely portrayed in Iran as proof of the country's readiness to confront its enemies.

They come in the wake of Friday's Mecca violence in which hundreds died in clashes between pro and anti-Iranian pilgrims and police which Iran has blamed on the United States and Saudi Arabia. The Saudis blamed the violence on Iranian pilgrims.

Two American warships which sailed out of the Gulf yesterday escorting the Kuwaiti tanker Gas Prince, sailing under the American flag, have anchored off the United Arab Emirates port of Khor Fakkan, ready to make the return passage with more reflagged Kuwaiti tankers.

The Iranian manoeuvres had not produced any incidents so far, although Washington reported yesterday that US aircraft jammed Iranian radar across the Gulf in a false alarm about an Iranian missile attack, shipping sources said. — Sapa-Reuter.

Argus 5/8/87

COURTS

Man shot with 'long gun' at close range

Tygerberg Bureau

THREE witnesses to a shootout, in which seven alleged ANC members died in Guguletu on March 3 last year, told the Parow Regional Court how they saw shots fired at close range at unarmed men lying on the ground.

The evidence was given during the trial yesterday of Cape Times journalist Mr Tony Weaver who is charged under section 27b of the Police Act.

The three men were residents of the Dairybelle Hostel near the intersection of NY1 and NY111 in Guguletu where the shooting took place soon after 7am on March 3 last year.

Statement changed

Mr Bowers Vumazonke, 29, a cleaner at the hostels, described seeing a white man "in a grey uniform" shoot a black man who was lying prone on the ground with a "long gun".

The shot was fired from about 1m away, Mr Vumazonke said.

During cross-examination by the State prosecutor, Mr S Shrock, Mr Vumazonke said he had made a truthful verbal statement to the police about two days after the shooting, but that the later typed version in Afrikaans of this verbal statement had been changed by the police and had been read back to him incorrectly.

This typed statement had been read back to him in Xhosa by a translator as he could not read the Afrikaans version, he told the court.

The second witness, Mr Cecil Msutu, 61, said he was awakened by shots that morning and went outside where a black man, with his hands in the air, was shot by a white man in police uniform.

The shot man fell backwards on to the ground, with his hands spread above his head. He was then shot a second time by the same policeman with a "long gun" pointed downwards and at very close range to the victim's body.

Mr Msutu said he had told police later that he had "seen nothing" as he feared being arrested and he also did not want to co-operate with police as he did not want to be used as a State witness.

When the investigating officer, Major Stephanus Brits, approached him a second time for another written statement, Mr Msutu had refused any further co-operation and told the major to arrest him instead

The third witness, Mr General Sebakha, 41, said he saw a white policeman in riot uniform approach a black man who had his hands in the air

The policeman took a handgun from this man's belt, and then another policeman shouted from the NY1-NY111 intersection "Skiet hom" (Shoot him) The black man was then forced down to the ground on his back and a policeman shot him three times with a "long gun" at close range.

Mr Shrock accused all three witnesses of not having seen the shootings as they had described them.

He pointed out that the evidence-in-chief of both Mr Vumazonke and Mr Msutu differed radically from their statements given to police a few days after the shooting.

The defence counsel, Mr J J Gauntlett, closed his case yesterday.

"In cold blood"

The State has alleged that Mr Weaver, in a BBC interview on March 4 last year, had reported that people killed in the incident at NY1 in Guguletu on March 3 had been shot by the police in cold blood and that weapons had been "planted" on them to justify the killings.

Mr Weaver has denied that the statement made to the BBC was untrue He told the court at a previous hearing that he had reported the opinions of parents and associates of two of the victims and had no reason to believe that their opinions and feelings had been untrue.

Argument is expected to be heard today in the Cape Town Regional Court

Mr J M Lemmer is on the Bench, Mr S Shrock appears for the State and Mr J J Gauntlett, instructed by Findlay and Tait, appears for Mr Weaver

Suspended sentence for R457 dole fraud

Court Reporter

A TRAINEE slaughterer who drew unemployment benefits for three months after finding work has been given a six-month suspended sentence

Police in shooting question

action pended

By YVETTE VAN BREDA
Court Reporter

POLICE conduct and the validity of an inquest concerning a shoot-out in Guguletu, where seven alleged ANC guerillas were shot dead by police, should be brought to the attention of the Attorney-General, the Regional Court was told yesterday.

Mr J J Gauntlett, the advocate representing the Cape Times deputy news editor, Mr Tony Weaver, said this in his four-hour address to the court.

Mr Weaver is charged under section 27 (b) of the Police Act, arising from an interview he had with the BBC's Africa Service on March 4 last year concerning the March 3 shootout.

Mr Gauntlett said: "It must be shown that (1) publication of (2) 'matter', (3) with intent, (4) which is untrue, took place."

The burden was on the state to establish all four elements, and onus itself was the normal criminal standard — beyond a reasonable doubt.

"If this onus is discharged in all four respects by the state, the accused is put on his defence in relation to 'without reasonable grounds', at which stage it must be shown that the accused had reasonable grounds for believing in the truth of the published 'matter'."

In the recognized Press Law authority dealing with Section 27 (b) of the Police Act, it was expressly stated . . "where sources are being relied upon for the information, it must be made clear that the statements of persons relating to the 'alleged actions of the police are being reported'."

'Both sides of story'

Mr Gauntlett quoted from amendments to the minutes of the joint Newspaper Press Union and the SA Police Liaison Committee, held in July, 1983.

He said that in the minutes it was stated by a Mr Gibson "that it was difficult to decide where the truth lay when covering township disturbances. This was particularly difficult for the press who had to publish as soon as possible. The press normally published both the allegation and the official reply thereto.

"He (the chairman) said that the minister had some years ago indicated to the NPU that the Police Act would not be applied where this was done, ie if both sides of the story were published."

Quoting further, he said: "Mr Gibson said that some of the reports referred to by the chairman in his discussion did in fact present both sides of the story.

"Replying to a question from Mr Gibson, the chairman said that the minister's undertaking still stood.

"Mr Gibson read an undertaking given by General Zietsman, in terms of which section 27 (b) of the Act would not be applied where a newspaper had contacted the SAP for comment, comment had been refused, and the fact had been published with the news report in question."

In respect of "untrue matter" Mr Gauntlett submitted that there were three principal sources of evidence, the medico-forensic evidence, the evidence of police witnesses and the evidence of two sets of eyewitnesses who testified on behalf of the defence (the three people in the school bus and three hostel inhabitants).

Earlier forensic experts Dr Johan van der Spuy and Dr David Klatzow said six of the seven killed were shot "at very close range".

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eyewitnesses to the killings of three of the men more credible than that of the police evidence delivered earlier.

Also in earlier evidence, Mr Bowers Vumazonke, Mr General Sibaca and Mr Cecil Msutu, who witnessed the shootout from the Dairybelle hostel overlooking the scene, claimed police shot a man on the ground and another who had his hands raised in surrender.

Mr Gauntlett said Mr Weaver had no reason to doubt the accuracy of Cape Times reporter Mr Chris Bateman, who interviewed the men on the day of the shooting.

Mr Bateman was a senior reporter and crime reporter at the time and Mr Weaver had granted the interview to the BBC based on what Mr Bateman had told him.

Mr Weaver had said that it was the feelings of the mothers of the deceased that the police had "planted" the weapons on their sons and "set them up". Mr Weaver had also said that he had no proof of this and that police had denied it.

Reliable investigation

Also during earlier evidence, Major S Brits, investigating officer in the inquest of the deceased, told the court that shrapnel and bullets found in the seven victims could not be analysed by experts as they were destroyed by police after the inquest — though police knew of the charges Mr Weaver was facing.

The prosecutor, Mr S Shrock, said the state had proved beyond a reasonable doubt that no weapons had been planted or concealed on the deceased.

He said the source of Mr Bateman's report, the three witnesses, was unsatisfactory and Mr Bateman had done "very little to verify what he had been told".

He said Mr Weaver was dealing with "a very serious matter" to allege that the people had been shot and "set up" by the police, specially considering the political situation in this country.

He said if the magistrate, Mr J M Lemmer, acquitted Mr Weaver, he would have "to come to the conclusion that there was a conspiracy among the police to eliminate every terrorist".

The hearing was adjourned to September 17 for judgment.

Mr Gauntlett was instructed by Findlay and Tait.

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Major 'chose not to believe witness'

Court Reporter

ACTIONS of certain policemen during and after the killing of seven alleged terrorists in Guguletu in March should be referred to the Attorney-General, the Cape Town Regional Court was told.

During legal argument yesterday in the trial of Cape Times journalist Tony Weaver, defence counsel Mr J J Gauntlett submitted that had the investigating officer, Major Fanie Brits, put the truth about the incident to the police information centre in Pretoria at the time, the trial might not have been necessary.

Mr Gauntlett submitted that Major Brits interviewed a witness who told a story he chose not to believe "because he was amazed to hear what his colleagues had done".

This, the fact that certain evidence was destroyed before the trial, that an addition was made to a police record after the trial started and the numerous contradictions in police evidence should be investigated by the Attorney-General, Mr Gauntlett said.

Referring to the evidence of Warrant Officer H J Barnard, Mr Gauntlett submitted that he had "grievously lied" from beginning to end.

Mr Weaver has pleaded not guilty to a charge under section 27 (b) of the Police Act.

The State alleges that in an interview with the BBC, he published untrue matter about police action by saying that weapons were "planted" on certain men shot dead by the police in Guguletu on March 3.

Mr Gauntlett said the State had not proved beyond reasonable doubt that Mr Weaver had intended to give false information or that the facts were not possibly true.

Approval by editor

"Mr Weaver was entitled to believe that Mr Chris Bateman's (crime reporter) report was true. It had already been through all the checks and balances in his own newspaper and had the approval of his editor. What else could Mr Weaver have done?"

Earlier, Mr Selwyn Shrock, for the State, submitted that the State had proved beyond reasonable doubt that no weapons were planted or concealed on the bodies and that no man was "set up" to create the impression he was a terrorist.

The hearing was provisionally postponed to September 17 for judgment.

Mr J M Lemmer was on the Bench. Mr Gauntlett was instructed by Findlay and Tait.

Constables 'congratulated' after shootings

By SAHM VENTER

POLICE who allegedly shot and killed a young woman in Bellville South in 1985 were congratulated by a senior police officer after the incident.

This was claimed by Constable Martiens van Wyk, a witness in the Supreme Court murder trial of two riot policemen.

Van Wyk was with the accused, Constable Ernest Villet, 27, of Elsie's River, and Warrant Officer Paulus Otto Germanus Kruger, 36, of Bellville, during the shooting on August 29 1985. He gave evidence against them.

He said Colonel M G Mans arrived at the scene of the shooting in Armada Crescent, accompanied by Captain O G van Schalkwyk. The colonel had said "Goeie werk, ouens," to the policemen who had hidden behind a fence and fired on a group of people.

Van Wyk added that Kruger had admitted shooting Sarah van Wyk, 21.

Villet and Kruger have pleaded not guilty to the charge of murdering Van Wyk and to alternative charges of attempting to murder Mercia Coetzee then 24, Cresenda Cupido, a minor, and Monica Daniels, then 20.

The State alleges that the shooting took place during a riot police patrol of the area. It is alleged that after removing burning objects from the intersection of Industry Road and Armada Crescent, Kruger, Villet and another policeman armed with shotguns were instructed to conceal themselves behind a fence and to use their discrection in acting against "the instigators".

As the group walked or ran down Armada Crescent and past where the policemen were hiding, seven shots were fired.

Van Wyk, who had been hiding behind the fence with Villet and Kruger, said he didn't shoot because the people had "done nothing".

According to evidence by a pathologist, Dr Duncan Lamont, Sarah van Wyk died of a gunshot wound in the chest.

Earlier, Villet and Kruger had applied for indemnity from prosecution under regulation 11 of the emergency regulations which protects state officials from civil or criminal proceedings "by reason of any act in good faith" ordered or performed in terms of the regulations.

Mr Justice C T Howie will hear evidence before he rules

Stationery shortage at Langa High

Argus 6/8/87

Education Reporter

THE severe shortage of stationery at Langa High School is believed to be a factor behind pupils' actions this week which ended in the overturning of a vehicle belonging to the Department of Education and Training.

Police are investigating yesterday's incident, which followed protest meetings on Monday and Tuesday.

A police spokesman said there had been no "normal education" at the school this week.

The chairman of the school's interim committee, Mr Lungile Daba, said the committee would make a statement soon.

It is understood that the DET recently clamped down on the supply of stationery to Langa High from overstocked schools.

However, a department spokesman in Pretoria said his office was unaware of this.

6/12/8/87

Free Wynberg kids, says EP

By SAHM VENTER

THE European Parliament has called on the South African Government to immediately release the seven Wynberg youths jailed in June for public violence.

The resolution passed earlier this month by 121 votes to eight, was tabled by the socialist, conservative and communist groups in the European Parliament (EP) in Brussels.

According to a member of the EP, the resolution "deploring the harsh and unreasonable sentences" was significantly supported by British Conservatives who form the majority of the European Democratic Group.

Public violence

"This means that nobody can dismiss our resolution as a mere left-wing initiative," she said.

The seven started their jail sentences on June 8, 18 months after they were arrested on allegations of public violence.

Naasir Masoet, Igshaan Amlay, Dee Dicks, Venetia de Klerk, Shouwqie Enous and Julian Stubbs are serving 12-month sentences, and Wayne Jordaan is serving a three-year sentence.

The resolution, which also calls for the release of detained trade union leaders, is binding on all the 12-member states. They are obliged to raise the matter with their governments.

It must also be forwarded to the South African Government.

Trade unionists

The EP also called on the government to stop persecuting trade unionists and to respect the Universal Declaration of Human Rights which guarantees freedom of association.

The Wynberg Crisis and Relief Centre, which raised the issue of the "Wynberg Seven" with the EP, wrote to the State President, Mr P W Botha, last month urging him to order their release as well as to review the cases of all convicted on public violence charges.

Botha's office has acknowledged the letter but no other correspondence has been received.

The Wynberg Crisis and Relief Centre has also approached Amnesty International, the International Red Cross and American legal groups.

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Pupils overturn car, cut tyres

Staff Reportert

POLICE last night warned that they would investigate "all illegal actions of pupils" following an incident yesterday when Langa Secondary School pupils overturned a vehicle belonging to a Department of Education and Training inspector and slashed its tyres.

In a statement, a police spokesman said the incident happened just before 11am, the second incident in the area within a week.

The spokesman said that information police received indicated no normal education had been taking place at the school over the past three days.

He said that on Monday pupils had held a mass meeting on the school grounds instead of attending classes, and on Tuesday they had boycotted classes again and "stood around on the school premises".

The spokesman said the "new form of intimidation, aimed at preventing officials from doing their duty", was an offence which was viewed seriously.

CAPE Times 6/8/87

Plain police complex to cost R12,5m

By BARRY STREEK
Political Staff

A R12,5-MILLION police building complex is to be built in Mitchells Plain, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday.

The complex, which is expected to go to tender during August 1991, will comprise a district head office, a police station and singles' quarters.

Mr Vlok, who was replying to a question tabled in the House of Representatives by Mr Ken Lategan (LP, Hanover Park), said the police were negotiating with the Cape Town City Council to a acquire a site in Spine Road, Mitchells Plain.

However, the police did not intend building a police station at Strandfontein.

A comprehensive investigation had been undertaken, "taking into consideration, among other things, the needs of the Strandfontein area, financial aspects, etcetera".

"The investigation was based on the incidence of crime, geographical location, possible future development, distribution of the population, etcetera."

As a result of the investigation, it had been provisionally decided to erect the police station in Mitchells Plain, which was approximately two kilometres from Strandfontein.

Mr Vlok said the situation in Strandfontein would be monitored continuously and should the need arise for an independent police station in the area, "the necessary steps will be taken without delay to satisfy the need".

In reply to another question by Mr Lategan, Mr Stoffel Botha, the Minister of Communications, said it was intended to establish a post office which was to be erected in Strandfontein shortly in hired accommodation, and the present indications were that it would be available in March 1988.

Pinelands mother kept brothel

Court Reporter

Cape Times 6/8/87

Policeman's 'death threat' described

Supreme Court Reporter

A POLICE warrant-officer on trial for murder told a wounded woman who was moaning with pain "Lie still or I'll shoot you dead!" the Supreme Court heard yesterday.

This was the evidence of Constable Martiens van Wyk, who was testifying in the trial of Warrant-Officer Paulus Kruger, 36, of Bellville, and Constable Ernest Villet, 27, of Elsie's River.

The two accused pleaded not guilty to charges of murder and attempted murder yesterday, after entering a special plea claiming that they were indemnified from prosecution by regulation 11 of the emergency regulations, in force in 36 magisterial districts at the time.

Const Van Wyk said he was hiding behind a thick hedge near a T-junction at the corner of Industry Road and Armada Crescent in Bellville-South with the two accused on the evening of August 29, 1985.

When he emerged from his hiding place he saw no fire, no obstructions in the road, no bricks or stones. A woman down the road screamed that her child's finger was off.

Const Van Wyk felt the crowd of people gathered nearby was threatening and fired what he thought was teargas but turned out to be a rubber bullet. He reloaded his gun with a teargas canister and fired again.

What happened next, it is alleged, is that the two accused then fired their shotguns seven times at the fleeing crowd, killing 21-year-old Miss Sarah van Wyk and wounding a 15-year-old schoolgirl and two young women, one of whom lost her right arm as a result.

Const Van Wyk said that after the shootings, Const Villet threw a fugitive to the ground and W/O Kruger ordered someone looking through a nearby window to close the curtains.

W/O Kruger then told one of the wounded women, who was moaning in pain, "Lie still or I'll shoot you dead", using the Afrikaans word applicable to animals — *"vrek"*.

A Colonel Mans and Captain Ockert van Schalwyk arrived in a Casspir and the colonel said "Good work!"

Const Van Wyk said he did not fire any shots because the crowd had not done anything. He said he could have arrested at least three people, but did not, for the same reason.

He said three people were subsequently charged with public violence after the incident, but were acquitted.

He said W/O Kruger told him what to say at this trial, because if the three were found not guilty, there would be a R250 000 damages claim to pay. The day before the trial, W/O Kruger told him to say in evidence that there was a fire at the scene and a crowd chanting "Amandla".

Const Van Wyk said that W/O Kruger also told him what questions he had been asked during cross-examination — something witnesses are forbidden by law to do.

The trial continues.

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Deputy Attorney-General Mr H G Klem appeared for the state with Mr W Downer. Mr D Uijs, instucted by Keith Hamblin and Co, appeared for Const Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for W/O Kruger

R35 000 settlement for Crossroads widow

Cape Times 6/8/87

Supreme Court Reporter

A CROSSROADS widow has won R35 000 from the Minister of Law and Order in an out-of-court settlement of a damages claim brought after her husband was shot by police.

Mrs Dorothy Mitshili, a mother of two young children who has survived on occasional char work, launched proceedings against the minister after her 47-year-old husband was shot by police in October 1985.

The suit was set down for hearing on Tuesday, but negotiations about a settlement began before it got to court and were finalized yesterday.

The amount she had claimed was R50 000.

She was represented by Mallinick, Ress, Richman and Closenberg.

Sowetan 6 12/8/87 ~~258~~ ~~278~~ 275

No going back, says shooting victim

LAWRENCE GQUBULE, the Uitenhage man who received R450 000 from the Minister of Law and Order in an out of court settlement last week, says he plans to take his family away from faction-torn Langa township.

Gqubule, 26, who has spent over two years in hospitals, said: "I doubt very much that I will spend the R450 000 in peace if I go back to Uitenhage."

Qgubule was one of those injured when police opened fire on a funeral procession in Langa on March 21 1985.

Officially, 21 people died in the action and scores were injured, but community-based organisations said 39 died.

Two bullet wounds, one at the base of his spine and another behind his knee, have rendered the lower part of his body useless.

This is the largest pay-out in a state settlement amounting to R1,3 million for 51 civil claims by victims of the Langa shooting and by their relatives.

When he leaves Uitenhage hospital Gqubule plans to buy a house in Port Elizabeth and to open a small business, "probably a shebeen or a cafe". He emphasised that he did not want to return to Uitenhage.

"The situation there is bad. I am a cripple and will not be able to defend myself if attacked," he said.

The one-time goalkeeper for Uitenhage's Liverpool soccer club lay on his stomach during the interview. Sores on his legs and bedsores on his back have confined him to lying on his stomach.

"Although I am rich man now, I will never walk on these two feet again," he said

Gqubule's parents, brother and two sisters are now squatting in a one-roomed tin house in Tyoksville. There is no running water, the doors are too narrow to allow a wheelchair to pass through and there is no sewage system. — *ECNA*

ARGUS 6/8/87

Policeman says he lied in violence trial

Staff Reporter

A POLICEMAN has told the Supreme Court that he perjured himself to try to secure a conviction in a public violence trial.

The trial followed a shooting incident in Bellville during the 1985 unrest in which a woman was killed and several others were injured.

Constable Martiens van Wyk said yesterday that after the incident some of the injured were arrested and tried in the Parow Regional Court on charges of public violence.

Although he knew it was not true, he gave evidence which tallied with what he was advised to say by Warrant Officer Paulus Kruger who, with Constable Ernest Villet, is on trial for the murder of the woman and the attempted murder of three others.

The State alleges that they unlawfully shot and killed Miss Sarah van Wyk, 21, and wounded three other women, one of whom lost her right arm.

Constable van Wyk said that he, Warrant Officer Kruger and Constable Villet hid in the garden of a house at the corner of Industry Road and Armada Crescent after a day on unrest control under command of Captain Ockert van Schalkwyk of Bellville on August 29 1985.

After they hid, small groups of people moved along Armada Crescent to the Industry Road intersection.

He heard shots and people started running alongside the fence behind which they were concealed.

Injured

Constable van Wyk said Warrant Officer Kruger and Constable Villet, who were armed with shotguns, fired on the people, first from the garden where they were hiding and then in the street

When he came out there were several injured people in the street and the dead woman.

Some of the wounded were arrested and later charged with public violence.

Constable van Wyk said there were no signs of unrest and it would have been relatively easy to arrest some of those running along the road.

Later he was told by Warrant Officer Kruger that there was a possible claim of R250 000 as a result of the incident and it was important that those charged with public violence be found guilty.

He saw statements made by Warrant Officer Kruger and Constable Villet and, although he knew they were not true, gave evidence at the trial that corresponded with their statements.

Warrant Officer Kruger had told him to say there were about 50 people, some of whom had made fires, shouted "amandla" and that stones were found at the scene of the shooting.

He told the court yesterday that there were no fires, only about 20 people were present, there were no stones and the people who gathered were in a mood akin to people who had been to a game which their team had won

(Proceeding)

Bishop Sobukwe dies

ALICE. — Bishop Ernest Sobukwe, brother of the late Pan Africanist Congress activist, Robert Sobukwe, has died at Alice. He served the Anglican Church first as a priest, then as assistant Bishop of George and later as Bishop suffragan of St John's, Umtata. — Sapa.

Langa youths damage vehicle

PRETORIA. — A private vehicle was damaged by youths in Langa, according to the police report on unrest.

In Clermont near Pinetown a bus was damaged by stone-throwers.

These were the only unrest-related incidents reported overnight. — Sapa.

ARGUS 7/8/87

COURTS

False evidence troubled me, says constable

Staff Reporter

A WITNESS told the Supreme Court his conscience troubled him for about two months before he decided to tell the truth about evidence he gave in a public violence trial.

Constable Martiens van Wyk was giving evidence yesterday at the trial of Constable Ernest Villet and Warrant Officer Paulus Kruger, who are charged with murder and attempted murder.

The charges against them arise from an incident in Bellville South during unrest in 1985 in which Miss Sarah van Wyk, 21, was shot and killed and three young women were wounded.

The court heard that the three men, after a day of action during the unrest, hid behind a fence.

Constable Villet and Warrant Officer Kruger fired on a group of people as they ran past.

Some of the wounded were arrested and tried in Parow Regional Court for public violence.

Constable van Wyk said that before the trial they held several discussions about their evidence because they wanted convictions.

Those tried were acquitted, but Constable van Wyk's conscience troubled him because he gave false evidence, even though he knew one of the accused was not in the group fired on but arrived soon afterwards.

Under cross-examination by Mr D Uijs, for Constable Villet, he denied he was adjusting his evidence to suit himself because it might harm his wife's fruit-and-vegetable business if he was seen to give evidence favouring the police.

The trial continues.

Special constable stabbed after Langa stone-throwing

Staff Reporter

A SPECIAL constable was stabbed in the chest when security forces arrested stone-throwers at Langa Senior Secondary School.

Five youths and four girls were arrested yesterday.

A police spokesman said the constable was out of danger.

In Bonteheuwel a bus was set alight.

The police report on unrest said 16 people were wounded, three seriously, when three hooded gunmen fired at blacks in Plessislaer, Maritzburg.

A witness said the incident happened as about 50 people were returning from an Inkatha meeting.

The body of a necklace victim, Mr Jabulani Mungwa, 20, was found in Kyalami Kloof at Kwadabeka, near Pinetown, last night.

45 Swapo guerrillas killed during July

Argus Africa News Service

WINDHOEK. — Forty-five

Claims of 'tampered records' at journalist's trial

THE trial in which *Cape Times* deputy news editor Tony Weaver is accused of contravening the Police Act could result in the police themselves entering the dock.

The magistrate presiding over Weaver's case was this week asked to bring to the attention of the attorney general:

- The conduct of police involved in the Guguletu shoot-out on March 3 last year around which the case revolves
- The fact that material evidence was destroyed and police records allegedly tampered with, and
- The possibility of re-opening the inquest into the deaths of the seven alleged African National guerrillas who died in the gun-battle.

The request came from defence counsel Jeremy Gauntlett SC at the close of his argument that Weaver should be acquitted of contravening section 27(b) of the Act.

The state alleges Weaver stated falsely in a BBC interview that some of the men were shot in cold blood and that police planted Russian-made weapons on their bodies to imply they were guerrillas.

Weaver has pleaded not guilty. Three similar charges against him, relating to *Cape Times* reports on the same incident, were withdrawn.

When the trial resumed this week, the court heard medico-legal evidence that six of the seven men were shot at close range. Trauma expert Dr Johan van der Spuy testified that accounts by witnesses brought by the defence were "more compatible" with the medical evidence than police accounts of what took place.

One victim had no wounds on his left side, although a policeman who said he shot him testified this was the side the man presented as he ran. In addition, one of the man's wounds was vertical, indicating he was shot

By GAYE DAVIS, Cape Town

while lying on the ground. A witness said he saw the man shot with "a long gun" at close-range.

Another victim had a flash-burn, indicating a virtually point-blank shot, although police testified he was shot from some distance away.

Two of the men were shot behind the ears, which Van der Spuy, himself a shottist, said was "remarkably good shooting on moving targets".

Prosecutor Selwyn Schrock maintained the wounds were consistent with the police account of what took place. Dismissing three witnesses as "unsatisfactory" he said if the magistrate accepted the accounts of other defence witnesses, "you would still have to come to the conclusion that there was a conspiracy between the police to eliminate every terrorist — and it's my contention that this in no way can be proved".

Weaver's BBC interview was partly based on information from another reporter, Chris Bateman, who interviewed witnesses for the *Cape Times*, and partly on interviews Weaver conducted with families of the dead men, who said they felt the weapons had been planted.

Schrock said Weaver had done nothing to establish the facts of Bateman's information and could not escape the Act by saying he had only conveyed the "feelings" of the family.

Rebutting this, Gauntlett argued that section 27(b) was aimed at preventing the publication, as truth, of unsubstantiated allegations. Weaver made a clear distinction between fact and opinion in the interview. Gauntlett further argued that the state had failed to establish beyond reasonable doubt that the events did not happen as reported by Weaver.

Arguing that the medical evidence — unchallenged by the state — was "decisive", Gauntlett said: "These people could not have been shot in the way police described. Whether it was done by men acting under high stress or in a conspiracy we'll never know. But something is happening on a large scale when six of the seven are shot in a way that is incompatible with the evidence."

Gauntlett said the explanation given for the destruction of shrapnel and bullets found in the men's bodies — destroyed by police after the inquest, even though they knew Weaver faced charges — was unsatisfactory.

In addition, a police record referring to the bullets had been amended "at a later stage" by a different hand.

He asked that this, as well as the conduct of the police in the matter and the question of whether the inquest should be re-opened, be referred to the attorney general.

Judgement is on September 17.

Schoolgirl weeps at murder trial

Supreme Court Reporter

A SCHOOLGIRL, giving evidence in the murder trial of two policemen, wept in the witness box yesterday when she was shown two photographs of herself lying in the road and covered in blood after being shot.

The two policemen — 36-year-old Warrant-Officer Paulus Kruger, of Bellville, and 27-year-old Constable Ernest Villet, of Elsie's River — have pleaded not guilty to murder and three charges of attempted murder.

Special plea

They earlier noted a special plea, claiming they were indemnified from prosecution by Regulation 11 of the emergency regulations in force in 36 magisterial districts on August 29, 1985 — the day 21-year-old Miss Sarah van Wyk was shot dead.

The 16-year-old schoolgirl said she was one of about 15 people gathered on the corner of Armada Crescent and Industry Road that evening when someone said: "Hey people! We must go, because if those pigs come again then they'll shoot!"

The schoolgirl said she and Miss Van Wyk turned round and walked a few paces when she heard shots going off.

"As I turned to the deceased, Sarah van Wyk, I saw her fall. At the same time I felt a burning pain in my body — in my left shoulder and neck — and felt lame and couldn't go further.

"I fell. I screamed: 'Go and call my mother!' Then a torch was shone on me and someone said: 'Shut your trap or I'll shoot you dead!"

The schoolgirl said she remembered being put in an ambulance, but was unconscious when she got to Tygerberg Hospital. She was 14 years old at the time.

She showed the court scars and the lumps where shotgun pellets were still lodged under her skin.

The trial continues on Tuesday.

Mr Justice C T Howie presided, with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Deputy Attorney-General Mr H G Klem appeared for the state with Mr W Downer Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet Mr A H Veldhuizen, instructed by the state attorney, appeared for W/O Kruger

Appeal for calm





CROSSROADS ANGER ... Part of the crowd of almost 4 000 which marched on the Nyanga offices of the Office for Community Services yesterday to demand action against former vigilante leader Mr Prince Gobingca and a group of special constables. ABOVE: Brigadier Ronnie van der Westhuizen calls for quiet from the crowd as Mrs Elsie Mkhumbuzi interprets. "We will try to help from our side," he told the crowd.
Pictures: TONY WEAVER

Legal Resources Centre slated by brigadier

By TONY WEAVER

A STINGING attack was launched yesterday on the Legal Resources Centre by the Divisional Commissioner of Police, Brigadier Ronnie van der Westhuizen, during a meeting with some 4 000 women who marched on the Nyanga offices of the Office for Community Services

But the LRC hit back last night and said in a statement the brigadier's comments appeared to be "confused and contain errors of fact".

Speaking to the Cape Times during the meeting with the women, Brigadier Van der Westhuizen blamed the "problems" in Crossroads on former vigilante leader Mr Prince Gobingca and the LRC.

"This is a protest which we now have to defuse.

"The Legal Resources Centre tried to get an interdict against these people; Gobingca ran to the LRC and begged them for finances

"These people want to stay here in peace, but Gobingca and the others run to the LRC Prince Gobingca does not pay a cent, the LRC does Where does the LRC get the money from? I don't know, I would like to know.

"The LRC and Gobingca are busy stopping the progress of these people These people are angry because the money that they have for housing they have to use for court battles

"This court case will cause big problems here These people in the crowd don't understand white man's law," said the brigadier.

An LRC spokesman said the Centre was "somewhat perturbed by the allegations and remarks attributed to Brigadier Van der Westhuizen".

"They appear to be confused and contain errors of fact The LRC does not and has never acted for Mr Prince Gobingca"

Newspaper reports had it that Mr Gobingca obtained an interim order from the Supreme Court against Crossroads leaders stopping them from making unlawful attacks on him.

"A private firm of attorneys acted for him."

The LRC said the brigadier appeared to have confused that case with one in which the LRC's clients are challenging the validity of the appointment of the Crossroads committee and its right to allocate sites in cleared land at Crossroads

"We do not provide funds for legal action, and we invite Brigadier Van der Westhuizen to contact us so that we can explain to him that the function of the LRC is to provide legal representation to needy persons in deserving cases, and that we are funded by donations"

The spokesman said the LRC did not wish to comment on other remarks made by the brigadier.

Move out the Blue Lines, demand 4 000

By TONY WEAVER

THE controversial special constables will be "reorganized and restructured", the Divisional Commissioner of Police said yesterday after a 4 000-strong protest march by Crossroads residents

Mainly women and children were in the crowd which marched on the Office for Community Services in Nyanga and demanded the immediate curbing of a group of special constables and of former vigilante leader Mr Prince Gobingca.

The militant crowd were addressed at length by Brigadier Ronnie van der Westhuizen, who said he would "see what I can do".

Main complaint of the crowd was against former Crossroads witdoek leader Mr Gobingca, who they alleged had threatened to "destroy" Crossroads.

Brigadier Van der Westhuizen confirmed to the Cape Times after the meeting he was investigating complaints against the special constables — described by him and the women as "Blue Lines" — and that "restructuring and reorganization" would take place.

Mrs Millicent Ngxobongwana, wife of Crossroads faction leader Mr Johnson Ngxobongwana, complained to the Cape Times that "the Blue Lines are shooting the people during the night time, grabbing the money from the old ladies, they get drunk, we do not sleep during the night. Every night it is the same"

She said "The ones from outside Crossroads are the problem, the ones who are inside are alright, they are

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From page 1

'Blues out'

our friends But we want our own police in Crossroads

"There are more than 30 Blue Lines who are causing the trouble, friends of this Prince Gobingca He is the main problem, the Blue Lines are the second problem"

Mrs Ngxobongwana addressed the crowd at length, as shouts of "pantsi Gobingca, pantsi" (down with Gobingca, down) echoed through the square

Brigadier Van der Westhuizen, who was accompanied by Brigadier Roy During, Divisional Inspector of Police, told the crowd. "Tell them the only way we can act is if they get a court order against Gobingca We will try to help from our side"

In an interview with the Cape Times after the meeting, Brigadier Van der Westhuizen said "The people do not want Prince Gobingca in Crossroads. What can we do? We cannot protect him in Crossroads.

"They also say they have problems with the Blue Lines, the special constables We will look into this matter We are looking at a restructuring of the Blue Lines, but I cannot give details now on the restructuring."

Brigadier Van der Westhuizen added that "they do a very good service, we cannot just write them off This place (Crossroads) is very peaceful, the special constables get attacked in the other areas like KTC, so they come to live here in Crossroads"

His assurances came against the backdrop of ongoing controversy surrounding the special constables — known variously as "Blue Lines", "kitskonstabels", "Blue Flies" and "Green Flies"

The Deputy Minister of Constitutional Development and Planning, Mr Piet Badenhorst, confirmed in Parliament this week that 195 complaints — including those of murder, attempted murder, assault, culpable homicide, attempted rape and weapon theft — have been lodged against them since their inception.

In some other recent incidents involving the special constables, who now number over 3 000

□ Brigadier Van der Westhuizen gave the Supreme Court an undertaking he would instruct a group of 16 special constables in Bongolethu, Oudtshoorn, to refrain from unlawfully arresting, assaulting or threatening township residents.

□ Legal Resources Centre slated by brigadier — page 5

SALDRU

Econo ics

Case disrupts Langa classes

Education Reporter

NORMAL schooling was disrupted at Langa High School yesterday when scores of pupils attended the appearance of nine Langa scholars in the Athlone Magistrate's Court.

A spokesman from the National Education Crisis Committee (Western Cape) said the pupils returned to school at 11am and held a mass meeting following the release of eight of the nine students on bail.

The hearing was postponed to August 28.

A police spokesman for the Western Cape, Lieutenant Attie Laubscher, last night confirmed that police entered the school premises and asked students to disperse, which they refused to do.

Demands

He said students were dispersed and a truck was stoned.

Posters displaying students' demands, including that the school be officially re-opened and that text books and stationary be provided, were also confiscated.

NECC said the Deputy-minister of Education and Training, Mr Sam de Beer, also informed University of Cape Town student teachers yesterday, that they could no longer teach at the school.

Five schools attended a rally at Glendale High School in Mitchells Plain yesterday while students in Elsies River stayed away in support of striking workers at the Spekenam factory.

275 CI Press 9/8/87

Cape pupils stay away in support of trialist

SEVERAL Athlone high schools were empty this week as thousands of pupils attended a rally at Silverstream High School, Manenberg, in support of treason trialist Quinton Michaels.

Michaels, a teacher from Silverstream, has been in detention for over a year. He is being charged with 12 others in the Cape Town Supreme Court in a trial which reconvened yesterday.

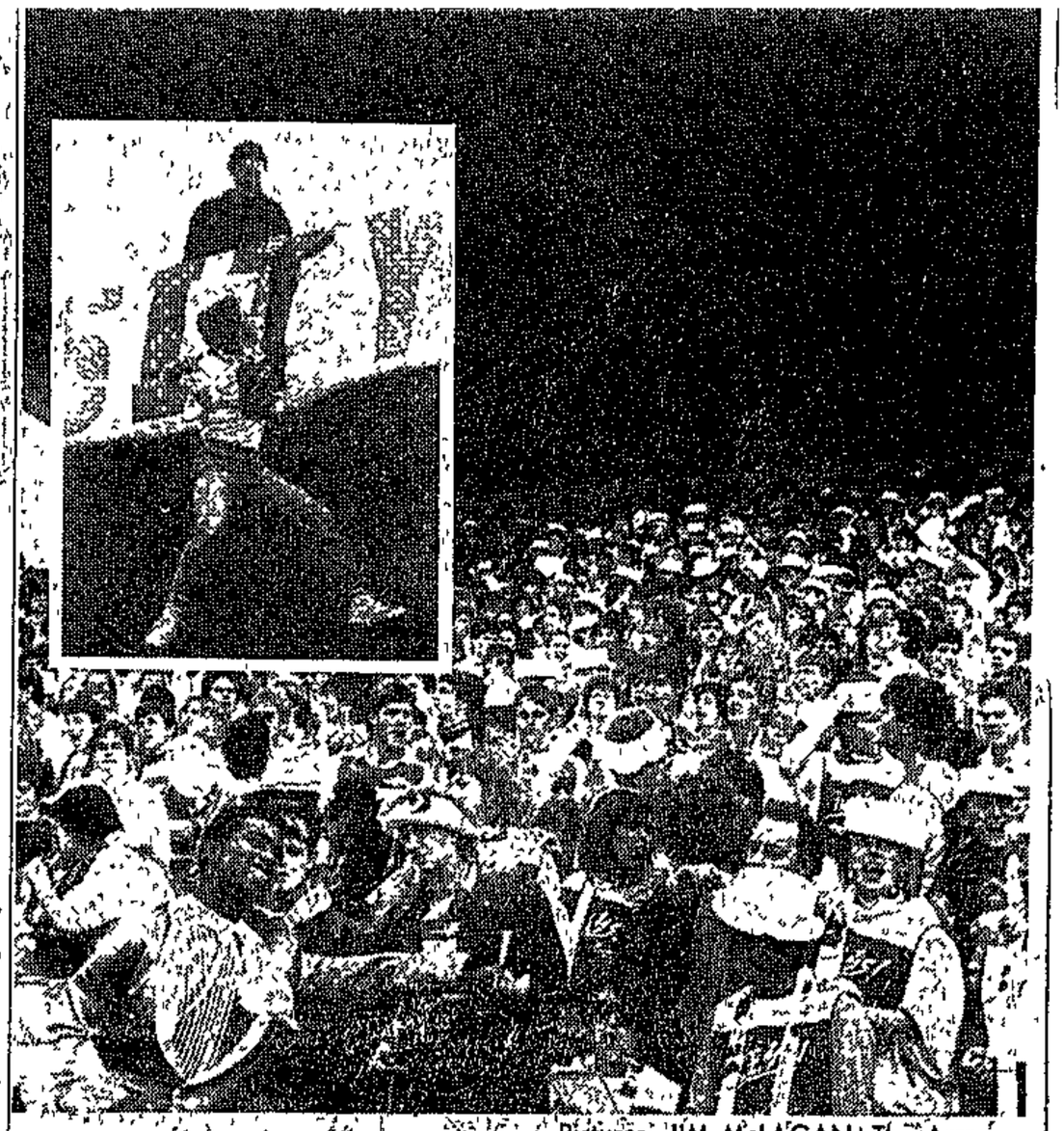
Schools which participated in the rally were Bonteheuwel, Arcadia and Modderdam in Bonteheuwel, and Sinton. Belgravia, Rylands and Spes Bona in Athlone.

And at Langa High School, students attended classes but conducted their own education programs, protesting the lack of stationery and text books.

A National Education Crisis Committee executive member said that schooling had been "abnormal" in Bonteheuwel, Athlone, Mitchells Plain, Elsies River, Bellville, the Southern suburbs of Retreat and Grassy Park, and at Vista and Trafalgar High Schools in Cape Town, since the death of ANC member Ashley Kriel on July 9.

He said that schools in the Mbekweni Township of Paarl and the "coloured" Paarl Township had also been hit by stayaways.

Stayaways at various Cape Flats Schools have also resulted from a spate of suspensions and expulsions at Vista, Bridgetown, Ned Doman and Portlands, in Mitchells Plain. – Sapa



Pictures: JIM McLAGAN, The Argus.

RECKLESS: A student at Saturday's Intervarsity had the crowd gasping when he hung from the roof of the grandstand by one hand about 10 metres above the packed spectators. The picture shows the student (arrowed) high above the spectators and, inset, hanging from the roof by one hand.

Argus 10/8/87

Rowdies may force change on Intervarsity

Staff Reporter

FUTURE Intervarsity programmes may be changed after drunkenness and unruly behaviour at the intervarsity between Stellenbosch and Cape Town universities marred the game for spectators at Coetzenburg's Danie Craven Stadium.

Professor Mike de Vries, rector and vice-chancellor of the University of Stellenbosch, said today he would be asking the Maties sports committee to liaise with the various sports bodies of the University of Cape Town to review the intervarsity programme.

Mr Douglas Davis, a spokesman of the rector's office, said this meant that the university would be looking into all problem areas and that steps would be taken to prevent similar problems when future intervarsities are held at Stellenbosch.

"This would start with the 1989 intervarsity, because next year the venue is Newlands and that would be in the hands of UCT," he said.

Mr Dawie Snyman, Western Province coach and Maties rugby organiser, expressed his disappointment at the spectators' behaviour.

He said the actions of some of the spectators on the field were close to barbarism and he praised the police for the way they handled the situation.

Mr Snyman said one of the problems was that many spectators were drunk when they entered the stadium.

The university rugby club was expected to give the names of transgressors to the authorities for possible prosecution, he said.

About 300 spectators stormed on the field at the end of the curtain-raiser on Saturday as parachutists prepared to land. One spectator tackled a parachutist as he landed.

The spectators left the field only when they were told that security dogs would be used if they did not behave.

Among other incidents were:

- A 35-year-old Ida's Valley man broke a leg when a spectator jumped a fence and landed on his knee.
- The first teams had to wait several minutes before they could run on to start the main match and the traditional champagne ceremony in midfield was moved to the safety of the grandstand.
- A spectator tackled Matie wing J C van der Walt as he crossed the UCT tryline to score. The try was allowed.
- A man wearing only underpants climbed the UCT goalposts as Matie Hans Scriba was lining up for a conversion. Scriba succeeded with the kick after the man had been removed.

Judgment reserved in sabotage trial appeal

Supreme Court Reporter

JUDGMENT has been reserved in the Supreme Court appeal by six men against their conviction for sabotage and sentences ranging from eight to 14 years.

Jan Douries, 29, of Scottsdene, and Chrisjan Horne, 18, of Watsonia Park, were jailed for 14 years for their part in petrol-bomb attacks on Bloch's Supermarket and the Egg Board premises in Kraaifontein in October 1985.

Andries Carelse, 18, of Kraaifontein, and Pieter Cyster, 18, and John van der Westhuizen, 28, both of Scottsdene, were jailed for eight years and David Williams, 20, of Watsonia Park, for 10 years.

Evidence was that damage of more than R1,5-million was caused. All six men were convicted on two counts of sabotage.

Horne, Cyster and Carelse were youths when sentence was passed in August last year.

Mr J Reebein, for the State, argued that the correct sentences had been imposed on the men by the Parow Regional Court.

He said: "Prison sentences have to shock or surprise or they will lose their deterrent effect."

Mr Justice Burger and Mr Justice Conradie were on the Bench. Mr D Delahunt appeared for all the accused except Van der Westhuizen, who was represented by Mr R Tainton.

Cape Times 11/8/87 275



PROTEST IN THE RAIN . . . About 100 mothers of Langa High School pupils demonstrated against the Department of Education and Training's refusal to officially re-open the school, at the circuit office on the Foreshore yesterday.
Picture: GLENN SHERRATT

Langa High parents protest

By CLARE HARPER
Education Reporter

ABOUT 100 placard-carrying mothers of Langa High School pupils demonstrated outside the Department of Education and Training's Foreshore office yesterday in protest against the closing of the school.

Others presented a list of demands to the Deputy Minister of Education and Training, Mr Sam de Beer.

They stood for more than two hours in the rain holding placards reading: "No new registration", "Leave our children at school" and "Two months to exam time".

The demands presented to Mr De Beer included:

☐ That he officially and unconditionally re-open the school;

☐ That the DET stop its alleged harassment of pupils at the school;

☐ That the DET drop its requirement that pupils should re-register; and

☐ That the former sports master of the school, who left the school after he allegedly attacked the headmaster with a screwdriver, be forced to resign his post as a sports administrator for the department.

One mother tearfully told the Cape Times that she had paid for her daughter to write her matric examinations, but feared they would never be written unless the DET listened to the parents.



FAREWELL . . . Mr A H Heard, right, outgoing editor of the Cape Times, wishes his successor, Mr J C (Koos) Viviers, well at an editorial staff meeting yesterday, symbolically handing over his long-service tie.
Picture: GLENN SHERRATT

Cape Times 11/8/87

AR645 12/1987(275)

Vehicles stoned in unrest

PRETORIA. — Incidents in Cape Town and Bellville are included in today's police unrest report.

At Ravensmead a privately-owned vehicle was damaged when it was set alight and in Bellville a private vehicle was damaged by stone-throwers, the report said.

In Bonteheuwel a milk delivery vehicle was stoned and looted and a private vehicle was stoned. — Sapa.

CT6 Times 12/8/87 (275)

Choppers monitor Cape Flats rallies

By CHRIS BATEMAN

AS THOUSANDS of Cape Flats pupils stayed away from classes yesterday, police used a helicopter to monitor school rallies in Mitchells Plain, where at least two pupils were arrested.

The arrests were made about 1pm at a house opposite Rocklands No 4 High School, soon after the helicopter arrived to monitor a gathering in the school quadrangle where a pupil using a loud hailer.

The pupils had returned to their classrooms, had collected their belongings and were leaving the school in small groups when a police van pulled up outside the house and policemen arrested the two pupils on the doorstep.

Teachers identified the pupils as Fatima Osman and Steve Pitts, both in Std 7, and said they had had "absolutely nothing to do with organizing the meeting or addressing it".

A police spokesman later said the gathering had "scattered" after the helicopter arrived. Some of the leaders identified from the helicopter had been detained for questioning and later released, he added.

He declined to identify the pupils arrested or to say how many had been held.

A Cape Times tour of Cape Flats schools showed most were empty of pupils, except in Mitchells Plain, where at least two rallies were held yesterday afternoon.

Most Athlone High School pupils attended a sports day which included a soccer game at the Vygieskral Stadium, monitored by police from vehicles.

CAPE TIMES 12/8/87

Workers tell of assault by strikers

Court Reporter

AN UNEMPLOYED man and another man who had been "casualling" at a brewery for five years told the Wynberg Regional Court yesterday how they were assaulted outside the brewery for wanting to go in when other workers were "on strike".

The two gave evidence in the trial of Mr Wennington Nwezo, 43, of Khayelitsha, who is charged with intimidating Mr Michael Tite, Ms Noheza Nembile and Mr Welcome Jubisa at Ohlsson's Cape Breweries on June 30 by forcing them to stay away from work.

The state alleges he assaulted and injured them with an axe or sharp instruments, punching and kicking them. He is alternatively charged with assault with aggravating circumstances and threatening to kill, assault and injure them.

Mr Tite, who has been working at Ohlsson's since 1982 as a "casual", said he had come to work on June 29 and "some people told me if I did not want to die then I must stop work. A white man stopped them."

Mr Tite returned to work the following day and on his way to the entrance gate he was attacked by a man wielding a "small axe". He was hit on the leg and was bleeding. On his way to Newlands station the police told him to return to work to find someone to take him to a hospital.

As he approached the gate a second time Mr Nwezo came to him and told him to go back.

"The accused told me it was dangerous to go on to the premises as I could be assaulted. I told him I wanted to work because I was hungry," he said. The police arrived soon after and arrested Mr Nwezo.

Mr Welcome Jubisa said he and others had gone to Ohlsson's to look for work. A man told them to go home as the "workers were on strike".

"They said they would hit us and when we turned around to go home the men hit us," Mr Jubisa said. He said Mr Nwezo was one of the men in the group.

He said he was assaulted with an object, but was not sure whether it was a stick or an iron bar.

Stones were thrown at them. While running he fell on the railway line at Newlands station. Mr Jubisa said Mr Nwezo threatened to kill him if he returned to the brewery. He was later taken to Victoria Hospital.

The hearing was adjourned to August 24.

Mr P J Putter was the magistrate Mr P Mostert prosecuted Mr A Chiat appeared for Mr Nwezo

Principal's denial

GRLW 12/8/87

Education Reporter

LANGA High School's acting principal, Mr Duke Ngcukana, has denied telling parents on Friday that the school was about to be closed.

A spokesman for a group of women who protested on the Foreshore on Monday said Mr Ngcukana had made the statement and it had been discussed at a meeting on Sunday.

Mr Ngcukana, who was not available for comment at the time, said today it seemed some of the parents had got the "wrong end of the stick".

A Department of Education and Training spokesman confirmed yesterday that the school did not face imminent closure.

Intuition warned of tragedy, court hears

Supreme Court Reporter

A YOUNG woman giving evidence in the murder trial of two policemen told the Supreme Court yesterday she had "a strange feeling, almost as if something was going to happen" moments before she was shot

Ms Mercea Coetzee, 26, of Bellville South, said she was at the corner of Industry Road and Armada Crescent at twilight on August 29, 1985 when "everything was quiet" after earlier unrest and police activity.

She wasn't there long when she "got a strange feeling" and "said to the girls· 'Let's go home because something's going to happen'

"I heard people laugh' behind me. As I turned round to walk up Armada Crescent I heard the footfalls of others walking with me and then a loud shot.

"I saw Susan van Wyk fly into the air. It looked as if something lifted her into the air. At the same time my feet were lifted from the ground and I can't remember anything further," she said.

What happened, the State alleges, is that Warrant-Officer Paulus Kruger and Constable Ernest Villet fired their shotguns seven times, killing 21-year-old Ms Van Wyk and wounding Ms Coetzee and two others, one of whom lost her right arm as a result.

The two policemen have pleaded not guilty to murder and three charges of attempted murder after earlier noting a special plea to indemnity from prosecution in terms of the emergency regulations in force in 36 magisterial districts at the time.

Ms Coetzee said she regained consciousness in hospital where doctors told her attempts to remove shotgun pellets from her back, neck and lung would kill her

Injuries to her tongue prevented her from speaking or eating solids for two months.

She still suffered pain in her shoulders and could not stand or sit for long periods, she said

The two accused are at large on their own recognizances.

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assessors Deputy A-G Mr H G Klem SC appeared for the State with Mr W Downer Mr D Uijs, instucted by Keith Hamblin and Co appeared for Const Villet Mr A H [illegible]

DD 14/8/87 295 TO

Necklace killer gets death

Dispatch Correspondent

PORT ELIZABETH —Gilindoda Gxekwa, 22, of Kwanobuhle, Uitenhage, who was convicted of murder without extenuating circumstances for the "necklace" killing of an alleged informer, became the first person to be sentenced to death by the Supreme Court in New Brighton yesterday.

Mr Justice T. M. Mullins found there were no extenuating circumstances for Gxekwa, who was convicted of the necklace murder of Mr Thando Dlala, 27, in Kwanobuhle, on the night of March 27, 1985.

In extenuation of sentence Mr D. Chetty submitted Gxekwa's age and the fact that in his statement to a magistrate he had said he had consumed alcohol on the night in question.

Mr Chetty further cited the Duduza necklace murder trial, where three people were saved from the gallows He said a Professor Maritz who testified at that trial had referred to the abnormal situation given in the black townships and its effect.

He further asked the court to find extenuating circumstances existed in that a person known only as Vukile, who was older than Gxekwa, was in control of the situation.

Mr D Els, for the state, asked the court to find there were no extenuating circumstances. He argued that there was no evidence to suggest that Gxekwa had been subjected to compulsion at the time of the killing.

He said Gxekwa was not a mere coincidental participant in the killing of Mr Dlala. His role in the killing had been a calculated and concerted attack on Mr Dlala.

Mr Justice Mullins said it was true that Vukile was the leader of the group. There was no doubt that Gxekwa took a major part in the killing of Mr Dlala, he said.

Mr B P Loots and Mr G Reynolds sat as assessors

De'Ath file to AG

THE case of George De'Ath, the television cameraman killed while covering the destruction by vigilantes of large parts of Crossroads last year, is to be referred to the attorney general.

Inquest magistrate WPJ Marais ruled this week that the matter be referred. He found De'Ath's death was due to an act or ommission which amounted to an offence. De'Ath had been extensively assaulted by a person or persons unknown to the state. Referring the matter, he said any further representations should be made to the attorney general.

At the initial inquest hearing, counsel for De'Ath's family argued his death could have been caused by ommissions on the part of the police in exercising their duties.

'Eliminate the guilty ones,' policeman told

By PETER DENNEHY

A POLICEMAN charged with murder was ordered to "eliminate the guilty ones" at riots, defence counsel told the Supreme Court yesterday.

Mr A Veldhuizen was questioning police reservist Warrant Officer O R Parrott in the trial of W O Paulus Kruger, 36, and Constable Ernest Villet, 27, both charged with the murder of 21-year-old Ms Susan van Wyk in Bellville South on August 29, 1985.

The state alleges they were ordered to hide and wait for any "agitators" who returned to the corner of Armada Crescent and Industry Road, where police had earlier found burning objects in the road.

Mr Veldhuizen, for W O Kruger, told the court about the alleged order to "eliminate" people after he had called W O Parrott

W O Parrot, who had been on the Casspir from which the three men alighted and waited, said in evidence that his impression of the order was that it was to "take some men and capture some people".

"I heard Captain (Ockert) van Schalkwyk say (to W O Kruger) 'Take some men and try to capture some people' . . . I can't remember the exact words," he said.

Captain Van Schalkwyk might have dismounted from the Casspir and spoken to the men, he said.

Captain Van Schalkwyk and Colonel M G Mans had been in command of the Casspir, he said There had been "a lot of action" that day, and the captain had issued several warnings to disperse.

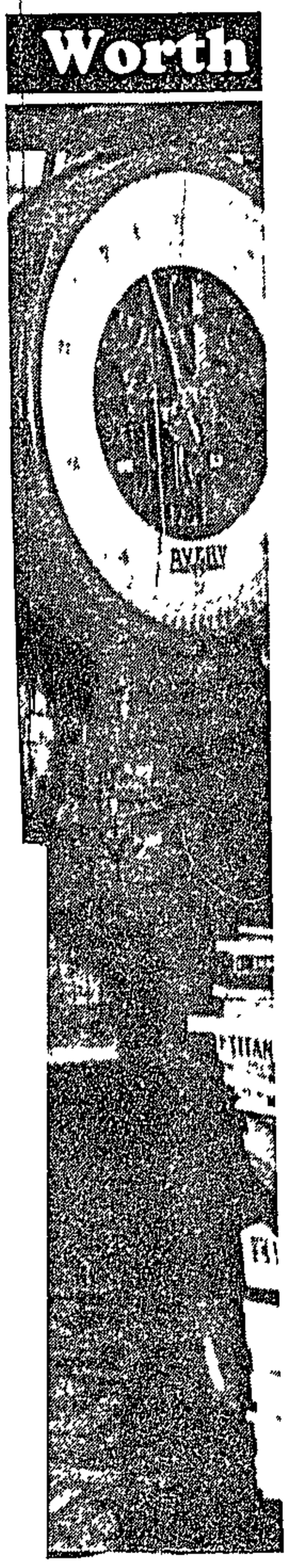
W O Parrott could not recall if any warning had been issued that firearms would be used.

Mr Dirk Uijs, counsel for Constable Villet, asked W O Parrott how many times he had been on patrol when people had been shot W O Parrot replied there had been about five such cases

Asked by Mr Justice C T Howie whether he had heard the word "eliminate" on another occasion, WO Parrott replied that in a briefing he and others had been told to eliminate anyone who approached with a petrol bomb.

"It (the word 'eliminate') was not used that night. It's a hard word to use for a person burning tyres or setting up barricades," W O Parrott said

The assessors were Messrs A J and J P van Niekerk. Deputy Attorney-General Mr H G Klem SC, with Mr W G Downer, appeared for the state Mr Dirk Uijs, instructed by Keith Hamblin and Co, appeared for Const Villet Mr A Veldhuizen, instructed by the State Attorney, appeared for W O Kruger



Gugulethu violence as trial ends

SPORADIC violence broke out in the Western Cape on Wednesday, only hours after some 13 members and sympathisers of the banned African National Congress were sentenced in the Supreme Court.

A bus was set on fire in Gugulethu and cars petrol-bombed in other incidents.

A Western Cape police spokesman confirmed the burning of the bus, but could not comment on reports of stone throwing and petrol bombing.

A team of local journalists who went to Gugulethu were ordered out of the area by security forces. The township appeared to have been sealed off.

A group of youths attacked a delivery truck with petrol bombs in Bellville South just before noon. The truck burst into flames, said the police spokesman.

Damage was estimated at about R2 000.

Stoning incidents were reported in Elsie's River, but there were no reports of injuries.

At Spine Road Senior Secondary School, in Mitchells Plain, pupils set up a barricade of tyres on a road and set them alight.

Journalists from a local newspaper were also ordered out of the area by police in terms of the emergency regulations. – Sapa.

Court refuses to discharge policemen on murder charge

Staff Reporter

AN application for the discharge of two policemen charged with murder and attempted murder during unrest in Bellville in 1985 has been refused by the Supreme Court

The application was made yesterday after the State closed its case in the trial of Warrant Officer Paulus Kruger and Constable Ernest Villet.

The policemen fired on a crowd of people from a garden on the corner of Industry Road and Armada Crescent Miss Sarah van Wyk, 21, died and three women, one of whom lost her right arm, were wounded.

ORDER TO SHOOT

Mr Justice Howie said there was prima facie evidence that Warrant Officer Kruger had decided to shoot before pinpointing the troublemakers.

The two had run out shooting "as it were, blindly and recklessly".

"Even if the order was given to shoot the troublemakers, in the present circumstances a reasonable man would not have thought shooting such as this was necessary," the judge said.

Earlier, defence counsel submitted that the two fired on the crowd lawfully.

Constable Villet was merely carrying out lawful orders, said his advocate, Mr D Uijs, describing the shooting as "another Trojan Horse". This was a reference to a decoy truck from which police fired during unrest in Athlone.

If Constable Villet had shot towards a crowd in carrying out orders and an innocent person was hit, that could not diminish the legality of the action, said Mr Uijs.

The police had been acting in a "military situation", said Mr D Veldhuizen for Warrant Officer Kruger.

"It is not for the person receiving an order to question it. That can be done later."

"Serious unrest" had been taking place. If a policeman was prevented from shooting because of the risk of hitting somebody accidentally "when would they be allowed to shoot?" he asked

"The question is, were they allowed to shoot or not?"

Opposing the application, Mr H G Klem SC said the State's view was that the two had acted jointly on the initiative of Warrant Officer Kruger.

"Overwhelming" evidence pointed to the orders he had given being unlawful.

No unrest was occurring at the time.

OFFENCE COMMITTED

"There was no action by members of the public that would make it necessary for (police) to shoot," he said.

"And assuming that an offence was being committed, was the action they took in accordance with the crime?

"Can the police just open fire if they see somebody just lighting a fire in the street?"

Earlier the defence asked the court to call as witnesses the accuseds' commanding officers Captain Ockert van Schalkwyk and a Colonel Mans. This was turned down.

(Proceeding)

explosion which failed to
a railway line at Manen-

GW Times 20/8/87 (28) (275) 8th

Cops 'acted blindly' in shooting — judge

By ANDRE KOOPMAN

ACCORDING to prima facie evidence before the court, two policemen charged with killing a Bellville woman with shotguns had acted "blindly and irresponsibly" and had not fired with the intention to arrest, a Supreme Court judge said yesterday.

Mr Justice C T Howie said that based on the evidence a reasonable man would not have thought it necessary to shoot.

The judge rejected an application for discharge by Mr D Uijs and Mr A H Veldhuizen, counsel for the two policemen, who argued that the state had failed to show that their clients had acted unlawfully.

The policemen on trial, Warrant-Officer Paulus Kruger, 36, of Bellville, and Constable Ernest Villet, 27, of Elsie's River, had both pleaded not guilty to charges of murder and attempted murder.

Evidence was that the two men had allegedly fired their shotguns seven times at a fleeing crowd, killing 21-year-old Miss Sarah van Wyk and wounding a 15-year-old schoolgirl and two young women, one of whom had lost her right arm as a result.

Mr Veldhuizen, for W O Kruger, said his client had been given orders by Captain Van Schalkwyk to "eliminate" the ringleaders involved in the continuing unrest that day. His client had been involved in a quasi-military situation, had been compelled to carry out his orders and could only question them later.

The hearing continues today.

Mr Justice Howie presided, with Mr A J van Niekerk and Mr J P van Niekerk as assesors. Mr H Klem SC, assisted by Mr W Downer, appeared for the state. Mr D Uijs, instructed by by Keith Hamblin and and Co, appeared for Const Villet. Mr Veldhuizen was instructed by the state attorney.

WK ARGUS 4/8/87

'Peace' bid at intervarsity

by ROBERT HOUWING
Weekend Argus Reporter

UNIVERSITY authorities, mindful of last year's furore when police used dogs and teargas to disperse field-invaders at Newlands, are determined to prevent a repetition when Stellenbosch meet UCT in the annual rugby intervarsity.

They are due to clash at the Danie Craven Stadium in Stellenbosch on Saturday.

At the 1986 event police were accused of "high-handedness" in dealing with the revellers and Mr Jan Pickard, president of the Western Province Rugby Union, threatened to have a nine-metre fence put up around the stadium as a result.

Still the same

Professor Mike de Vries, rector of Stellenbosch University, said he was contemplating "replanning the whole situation surrounding intervarsity" after the hijinks.

He blamed Matie students for most of the trouble, particularly a disruption of the Champagne Queen ceremony.

However, Mr Dawie Snyman, Stellenbosch rugby organiser, said this week that no changes to the traditional schedule were planned.

"There will be a customary police presence to monitor normal citizen misbehaviour, but it is not their task to 'hunt' students," he said.

"Of course, there will be pranksters, but we have made the necessary arrangements to ensure that things don't get out of hand. We will be able to identify those who invade the field.

Code of conduct

"Intervarsity is a special event for all concerned, with college honour involved, and we are hoping that an unwritten code of conduct will apply. Some hooliganism has crept in, and it belongs elsewhere."

He said the stadium would be a licensed premises on the day, and marshalls would be on the lookout for people trying to smuggle their own liquor into the stadium.

Weather permitting, a near-capacity crowd of over 15 000 is expected.

Langa High School report challenged

From Mr BILL STAUDE, Regional Director (Cape Region), Department of Education and Training (Cape Town):

I WISH to react to the article published under the headline "Langa High parents protest" (Cape Times, August 11).

The caption reads that "about 100 mothers of pupils of Langa High demonstrated against the department's refusal to officially re-open the school".

I wish to remind you that Langa Secondary School was closed on July 4 by the Deputy Minister, Mr Sam de Beer, but that he reopened it on July 7. His press statement announcing this was communicated to your newspaper on Monday July 20.

I fail to understand why you should employ in your caption the words "the Department of Education and Training's refusal to officially reopen the school" since this must surely create an impression at variance with the facts.

You also stated that the parents stood for two hours in the rain. You make no mention of the fact, however, that the Circuit Office officials invited them into the building and spent considerable time listening to their representations.

Concerning the "demands" allegedly presented to Mr de Beer, the fact is that the four ladies to whom the Deputy Minister spoke made no "demand" that the sports master resign and no "demand" was made that "the Department of Education and Training stop its alleged harassment of pupils".

The Deputy Minister explained the situation but the ladies seemed unaware, as you too appear unaware, that the school is officially open and has been for several weeks.

Mr de Beer also explained why it was necessary for parents to register their children as pupils.

● *The situation is far more complex than Mr Staude states. While the school has been declared officially reopened, the Department does not recognize either the classes or the pupils because the pupils have not reregistered as required. The Cape Times's information is that formal tuition is taking place, but the Department says that, legally speaking, there are no pupils, only children. To the parents, this means the school effectively remains closed.*

The parents told the reporter they had conveyed certain demands to Mr de Beer. We accept that this was not done and the report was wrong in stating it as fact. — Editor, Cape Times.

Cape Times 24/8/87

Policeman tells of unrest 'surprise'

By ANDRE KOOPMAN

A POLICE warrant officer yesterday told the Supreme Court that he had been told by Captain Ockert van Schalkwyk, former head of the Bellville riot police unit, to form a hidden "surprise party" and "eliminate" people who had been causing "chaos" during the student unrest in Bellville last year.

This was the evidence of WO Paulus Kruger, who, with Constable Ernest Villet, has pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29 last year.

WO Kruger said he, Constable Villet and a Constable Martiens van Wyk had been a "surprise party" at the intersection of Armada Crescent and Industry Road, Bellville South.

"People stood further down Armada Crescent dancing and jumping around with their fists in the air They threw stones in our direction. Captain Van Schalkwyk told me to take two men and hide ... and if the people came to the corner again, we were to eliminate them

"I understood this to mean that we were to do all in our power to arrest the people and even to shoot in the process of arresting them

"I definitely did not understand that I should kill them indiscriminately," said WO Kruger.

The two, together with Constable Van Wyk, hid in the pathway of a house.

WO Kruger said he watched a noisy 50-strong group start to build a barricade in the road. Later the group started running past the gate.

He then "acted instinctively" and fired at them but it was not his intention to kill or seriously injure anybody. "It was only when I went outside to chase the group that I saw people lying in the road. I saw a lot of blood."

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assesors Mr H Klem, SC, for the State, was assisted by Mr W Downer Mr D Uijs, instructed by Keith Hamblin and Company, appeared for Constable Villet Mr A H Veldhuizen, for WO Kruger, was instructed by the State Attorney

Bellville area was like 'a small war', unrest trial told

Supreme Court Reporter

THE corner in Bellville South where Sarah van Wyk was shot dead on August 29 1985 was the focal point of unrest in an area which was experiencing "a small war", the Supreme Court has been told.

Warrant Officer Paulus Kruger, who with Constable Ernest Villet is charged with murdering Miss van Wyk and attempting to murder three other women, was giving evidence in his own defence yesterday.

He said: "There was chaos — there were fires on almost every corner and people were throwing stones at private cars."

Warrant Officer Kruger said the constant level of unrest in the area had picked up towards evening but police had been unable to make any arrests.

"About 7pm our Casspir went to the corner of Armada Crescent and Industry Road where a fire was put out," he said.

"Captain (Ockert) van Schalkwyk warned people that there would be shooting if they did not go indoors but they danced and jumped around with their fists in the air. They threw stones in our direction.

"Captain van Schalkwyk told me to take two men and conceal ourselves. If the people came to the corner again we were to 'eliminate' them.

"I understood this to mean that we were to do all in our power to arrest the people and even to shoot in the process of arresting them.

"I definitely did not understand it to mean that I should kill them indiscriminately."

He said that he, Constable Villet and a Constable van Wyk hid in the garden of a house in Armada Crescent for about 15 minutes until they heard a "noisy" group of between 40 and 50 people approaching.

"I was tense. I straightened up and as the group began passing the gate in front of me I fired at them, acting instinctively.

"It was only when I went outside to chase them that I saw people lying in the road. I saw a lot of blood.

"I went into a nearby house to call for assistance."

In reply to questions by Mr D Uijs, for Constable Villet, Warrant Officer Kruger said that shooting was the only way to restore law and order that day because all other methods had failed.

Under cross-examination by Mr H Klem SC, for the State, Warrant Officer Kruger said: "I did not give a warning before shooting because I felt that Captain van Schalkwyk's earlier warning had been sufficient."

Mr Klem: You didn't try to arrest anybody?

No 5 birdshot

Warrant Officer Kruger: Had I stood up the people would have already passed the gate.

Warrant Officer Kruger said it had not mattered who in the group he shot at because he was using No 5 birdshot — and he did not expect it to have serious consequences.

Mr Klem. You said that in previous police actions people were shot at but you could not arrest them because they ran away. What was different about this time? Why did you shoot?

Warrant Officer Kruger: I took the decision to shoot in a fraction of a second. I would have approached them from behind but they jumped up and ran. It would not have been possible to run among the people and arrest them.

(Proceeding).

Man jailed for 15 years for shooting policeman

Supreme Court Reporter

A MAN convicted of murdering a policeman investigating a robbery will serve an effective 15 years in jail for murder, conspiracy to commit a robbery and illegally possessing a gun and ammunition.

Constable Henry October was shot dead on June 26 last year at the One Stop Supermarket in Bonteheuwel.

Alfonso Swain, 23, was sentenced to 12 years' imprisonment for murder, five for conspiracy and one for illegal possession. Part of the sentences will run concurrently.

Swain is already serving five years for robbery.

Neville Malinda, 26, convicted of murder and conspiracy, will serve four of a total of 12 years imposed on him yesterday by Mr Acting-Justice Thring.

He was sentened to eight years for murder and four for conspiracy.

Half the conspiracy sentence will run concurrently and six of the remaining 10 years will run concurrently with a 12-year sentence Malinda is already serving for rape, robbery and assault.

Brian Roman, 24, Paul Sampson, 19, and Deon du Toit, 19, were sentenced to three years each for conspiracy to commit a robbery.

Half Roman's sentence, 32 months of Sampson's and all Du Toit's were conditionally suspended for five years.

Mr Acting-Justice Thring sat with Dr G G Visagie and Mr J Shapiro as assessors.

Necklace murder: six men appear

Court Reporter

SIX men appeared in the Port Elizabeth Supreme Court today charged with the necklace murder of a 44-year-old German immigrant at the Veeplaas cemetery last year.

Mr William Tshebe Phukwana, 52, Mr Siphiwo Ketye, 19, three youths aged 16 and another aged 15 are charged with the murder of Mr Gens Paul Bassel Lorck on November 16 last year.

He was allegedly robbed of his car by hitchhikers and turned loose on foot in the black townships. There, after a short "trial", he was assaulted and "necklaced" by a group of comrades.

His car was found burnt out near the Pakamisa School hours later. His charred body was recovered at the cemetary only a few days after this.

When the accused appeared today, the deputy Attorney-General, Mr P J Strauss, SA, said that because of "certain developments", he did not intend asking them to plead today. He requested the case be postponed.

Mr Justice Solomon remanded the accused in custody until Monday

Mr O'L Oosthuizen and Mr J A F Nel sat as assessors Mr Strauss was assisted by Mr L S Moffit Mr R Pillay, instructed by S Nkanunu and 6ϕ, appeared for the defence

Busman killer gets death

Staff Reporter

A MAN who shot dead an Oudtshoorn bus inpsector on duty in the local black township of Bongolethu, was given a death sentence by the Supreme Court yesterday.

On a second charge of attempted malicious damage to property, Michael Lucas was sentenced to two years.

After tests were conducted to determine his age, the court decided he could either be 20 years and four months or 21 years and four months.

His co-accused, Jerome Myo, 26, and a 17-year-old youth were acquitted of murder at a previous hearing "by the skin of your teeth".

They were, however, convicted of attempted malicious damage to property and will be sentenced later.

Evidence was that on April 15 last year, during local unrest, Lucas, the 17-year-old youth and Myo were at a bus stop where a South Cape Bus Service bus stopped.

The bus was escorted by a bakkie with two inspectors to ensure the safety of the bus and its occupants.

While passengers were boarding, Lucas went to the bakkie and shot and killed Mr William Blaauw.

Myo then sprinkled petrol in the bus but before it could be set alight, the bus driver drove off. Myo jumped out.

Lucas told the court the gun went off while he was trying to keep Mr Blaauw from the bus.

"I did not know how to operate it, but I believed it would not fire a bullet if I pulled the trigger. I did not intend to fire a shot," he said.

Passing sentence, Mr Justice Williamson said Lucas was an "appalling witness and an opportunistic liar".

Mr G Titterton and Mr C H van Gend were the assessors. Mr A de V la Grange appeared for the state. Mr M Donen, instructed by E Moosa and Associates, appeared for the accused.

Argus 24/8/88 p 5

Call for report on Good Hope Centre violence

Staff Reporter

THE manager of the Good Hope Centre has been asked to give the City Council a full report on the violence which flared at the centre on Saturday night.

A mob charged the centre, smashing windows and doors.

Inside, a capacity crowd was being entertained by top groups Stimela and Ladysmith Black Mambazo in the main arena, and by The Argus Designer Collection fashion show in a minor hall.

Several people were reported to have been victims of pickpockets and muggers, a man was stabbed and cars were broken into

The concert ended early because of the violence.

The council's amenities chief, Mr Jack Kloppers, said: "We have called for a full report from the manager."

UNDER CONTROL

He said that two lobby doors and two windows were broken and some panes of glass cracked.

Security was the responsibility of the people hiring the centre, Mr Kloppers said, and added: "I don't think they realised what a crowd they would get."

Mr Ivan Holdserth, a director of Table Bay Security Services, said: "Everything was under control inside the main hall.

"The previous night we had slight problems but there were only a couple of thousand people. It was just the normal sort of thing: some people under the influence and so on.

"On Saturday we had an estimated 6 500 plus a fashion show to cope with."

He said his security staff of 63 had reacted after the crowd surged towards the hall but he denied his men had used teargas.

He said: "Police sprayed aerosol cans of something at the crowd."

Several minor incidents of violence kept his staff at full stretch, he said, and he and some of his guards helped a woman who was being mugged outside the building.

He said: "With a show like that we obviously phone the police to tell them we are doing the show. They sent along a small contingent of 10 policemen in uniform. But they kept a low profile."

"The trouble started outside," he said. "The police were taking most of the trouble out there They called for back-up and about seven police vehicles arrived."

ROBBED

He said his staff were employed to protect the building and the band members and to control access. Guards were deployed in the car park "but only to patrol the area where guests at the fashion show had parked their cars".

A police spokesman said the police had taken no action.

However he said a woman was robbed of her handbag outside the Good Hope Centre about 9.45pm on Saturday night.

She told police she was attacked by eight people who stole the contents of the bag worth about R400.

Boats sink: 4 drown

DHAKA. — Four people drowned and 31 others were missing and presumed dead when two boats capsized in north-western Bangladesh at the weekend. — Sapa-AP.

'Stop baby-dumping'

HARARE. — Zimbabwe's President Canaan Banana has called on his countrywomen to stop baby dumping, Ziana reports — Sapa.

Fans teargassed at city concert

Cape Times 24/8/87 275

Staff Reporters

CHAOS reigned outside the Stimela concert at the Good Hope Centre on Saturday evening when more than 1 000 fans crowded around the entrance, breaking two large windows and five doors and finally forcing the show to an early close.

Soldiers were called in "to escort those invited to the Mayoress's fashion show" in another venue in the building, according to Mr Jimmy Rentzke, managing director of Table Bay Security Patrols.

Reaction Unit policemen were also called in, and at one stage security guards sprayed the crowd with hand-held teargas canisters and lashed out with rubber truncheons.

And scores of fans fell victim to pickpockets, muggings and car break-ins by roving gangs outside the Centre.

The show's main features were Stimela and Ladysmith Black Mambazo (who achieved fame with Paul Simon on the "Graceland" album). They got off to a late start to allow the hardpressed 63 security men to control the entrance of an estimated 7 500 people.

Stimela bandleader Mr Ray Phiri apologized to scores of fans who missed out after paying R10 or R12 each for seats, and lashed out at the "tsotsi element" which he said deliberately caused problems to "fatten their bank balances".

He also described crowd-control facilities as "ridiculous".

Self-defence

The band's floor manager, too, blamed the chaos on inadequate control barriers outside the hall which could have separated ticket-holders from non-ticket-holders.

Mr Rentzke said two books full of tickets had been stolen about 11pm.

The doors were closed, but the crowd had rushed the entrance "so hard that we could not control it".

"We were expecting a crowd, but not such unruly behaviour," he said.

His guards had used their rubber truncheons and the canisters in self-defence, he said.

There had been stabbings, a lot of women had been mugged and cars had been damaged, Mr Rentzke said. His men had tried to protect people.

The floor manager said a window had been broken downstairs and "about 100" people had run in through the shattered entrance.

Captain Jan Calitz, a police liaison officer for the Western Province, yesterday denied that police sjambokked the crowd outside the closed doors of the centre.

Police had not used teargas either, he said, but security guards at the centre may have used portable spray cans.

He confirmed that a few cases of theft and attempted theft of a car and from a car had been reported and were being investigated.

The floor manager said he had appealed to the crowd in the hall to be patient during a 15-minute forced break after the first band Peto had played.

This was to allow more people in and to avoid a confrontation between "security forces" and fans.

About 11.25pm he had been forced to bring the show to a premature close "on the advice of police" to avoid further potential confrontations.

"The Good Hope Centre is just not equipped to handle all this at once," he added.

Mr Ted Doman, a public relations officer for the City Council which owns the centre, said council staff with keys had been on duty there all evening, at the service of those in charge of security.

Mr Phiri told the Cape Times in a recent interview that Paul Simon had taught him "a lot about production: How to get the best light, the best sound, the best in stage design, the best security".

● The hall can hold up to 10 000 people without organized seating in the main well, but seats were provided on Saturday night, lessening the overall crowd capacity.

One angry ticket-holder said that when she had finally forced her way to the door, it was slammed shut and security men using quirts and mace spray had chased the crowd off the steps.

"It was total chaos."

● **Review of the Stimela concert — Page 5**

Shop steward in court for assault

Court Reporter

A BREWERIES employee charged with assaulting colleagues and forcing them to stay away from work, yesterday told Wynberg Regional Court he was not at work at the time the alleged assaults took place.

Mr Wennington Nwezo, 43, of Khayelitsha, is charged with intimidating Mr Michael Tete, Ms Noheza Nembile and Mr Welcome Jubisa at Ohlsson's Breweries on June 30.

The state alleges that he assaulted and injured them by hitting them with an axe or sharp instruments, punching and kicking them. He is alternatively charged with assault with aggravating circumstances and threatening to kill, assault and injure them.

At a previous hearing, the three complainants told the court they were assaulted about 6am.

Yesterday, Mr Nwezo said he arrived at work about 6.30am and saw policemen on the premises. He was told by fellow workers that there was a "problem with casuals and they had been chased away".

Mr Nwezo, who was elected to be a shop steward, said his duty in this regard was to take workers' complaints to the management. He went in search of the vice-chairman of the shop stewards and while walking around the premises he came across the three complainants.

"Mr Tete, who is a casual, asked why we were quarrelling with them. I said the workers were not quarrelling with them, we were trying to solve a problem with the managers.

"Mr Jubisa pointed his finger in my face and said I had attacked him."

He said a policemen had arrived, told them to go to the main gate and arrested the three when Mr Tete had refused. He himself had been arrested soon afterwards as he was walking away.

"The policeman said I was one of those who wanted more money from the brewery," he said.

Mr Nwezo denied assaulting or threatening the men.

The hearing continues today.

Mr A S McCarthy was the magistrate Mr P Mostert prosecuted. Mr A Chiat appeared for Mr Nwezo

Deformities caused by virus?

Vlok 'shocked by Kriel death disclosures

Cape Times 26/8/88

Political Staff

THE Minister of Law and Order, Mr Adriaan Vlok, said yesterday that he had noticed with shock and dismay that certain preliminary findings by a pathologist into the death of Ashley Kriel, an ANC member, had already been disclosed.

He said he was not prepared to disclose any information about the death of Mr Kriel, who was shot and killed by police in Athlone, Cape Town, in July this year, because he did not want to anticipate the judicial process.

"I notice with shock and dismay, therefore, that certain preliminary findings by a pathologist regarding this matter, have apparently already been disclosed and received wide publicity.

"Consequently the investigations and findings of a competent court were disgracefully anticipated and prejudiced," Mr Vlok said in a reply to a question tabled in the House of Assembly by Mr Tian van der Merwe (PFP, Green Point).

He said the sub judice rule was normally respected by professional people.

"The South African Police adheres strictly to the sub judice rule and I believe we are justified in expecting any other professional person or those who hold our judicial system in high esteem, to do the same," Mr Vlok said.

Soon after Mr Kriel's death, it was reported that the pathologist for the family had found that he had been shot in the back at point-blank range, he had a three-centimetre laceration on his forehead, the right side of his head was bruised and there were abrasions on his right upper arm, left shoulder and chin.

In reply to another question by Mr Van der Merwe, Mr Vlok said the police acted in accordance with the agreement reached with a delegation of church leaders at Mr Kriel's funeral on July 16.

Restrictions were imposed on the funeral "because the South African Police had information at their disposal that laws could possibly be violated and the safety of the public and public order could have been endangered."

After the funeral, the independent MP for Claremont, Mr Jan van Eck, accused the police of breaking the agreement with the church leaders.

Ambush cop: 'No time to give warning'

Staff Reporter

A POLICEMAN who was instructed to set an ambush during student unrest in Bellville in 1985 yesterday told the Supreme Court things happened so fast that there was no time to issue a warning.

This was said in cross-examination by Warrant-Officer Paulus Kruger who, with Constable Ernest Villet, has pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29 last year.

The state alleges that on August 29, 1985, the two policemen, armed with shotguns, were positioned at a T-junction at the corner of Industry Road and Armada Crescent in Bellville South from where "obstructions and burning objects" had been removed earlier.

W-O Kruger told the court earlier that he had been instructed by Captain Ockert van Schalkwyk, former head of the Bellville riot police unit, to form a "surprise party" and "eliminate" people who had been causing "chaos" during the unrest.

Asked by Mr Justice C T Howie if he understood what Captain Van Schalkwyk meant when he said "eliminate", W-O Kruger said he did not know the meaning of the word but understood that he should arrest people and even use firearms to effect an arrest.

In reply to a question whether firearms were the last resort in crowd control, W-O Kruger said police used teargas launchers, shotguns, the R1 rifle and plastic bullets.

He had had firearm practice with side arms, shotguns and the R1. At times he had seen shotguns being used but he had not seen people being seriously injured or shot dead.

The defence closed its case and the hearing continues today.

Mr Justice Howie was assisted by Mr A van Niekerk and Mr J P van Niekerk. The Deputy Attorney-General, Mr H C Klem SC, appeared for the state with Mr W Downer. Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the State Attorney, appeared for W-O Kruger.

Argus 26/8/87

'Focus of unrest' — no record of visits

Supreme Court Reporter

A POLICEMAN accused of murdering a woman in Bellville South during the 1985 unrest said he could not explain why the official recorder on his Casspir had no record of the eight to 10 visits the police vehicle paid to the corner he referred to as the "focus" of unrest.

Warrant Officer Paulus Kruger, who has been suspended from the police force, was giving evidence in the Supreme Court, Cape Town, in the trial of himself and Constable Ernest Villet

Both have pleaded not guilty to charges of murdering Miss Sarah van Wyk and attempting to murder three other young women on August 29, 1985.

The court has heard that the two policemen were left on the corner of Armada Crescent and Industry Road, where they later fired on a group of people who gathered on the corner.

PUT OUT FIRES

Mr H Klem, SC, for the State: You said this corner was the focus of unrest. Why aren't the eight to 10 times you put out fires in Industry Road mentioned in the (Casspir's) recorder's book?

Warrant Officer Kruger: I cannot explain it. The only explanation I can think of is that he only recorded incidents where ammunition was used.

Mr Klem said the recorder's book did not mention the "thousands of people" Warrant Officer Kruger said were congregating in Industry Road, but mentioned an action at Bellville South Senior Secondary School

Mr Klem: I put it to you that the reason you describe the Armada Crescent/Industry Road corner as the focus of unrest is because you are falsely trying to explain your actions.

Warrant Officer Kruger: I deny in the strongest terms that I am lying.

The hearing continues today.

Mr Justice Howie has as assessors Mr A J van Niekerk and Mr J P van Niekerk. Mr Klem is assisted by Mr W Downer. Mr D Uijs, instructed by Hamblin and Co, appears for Constable Villet. Mr A Veldhuizen, instructed by the State Attorney, appears for Warrant Officer Kruger

in the area.

Argus 26/8/87

Youths jailed for burning man to death

Argus Bureau

PORT ELIZABETH. — Four teenagers have been jailed for the murder of a man who "died a hideous death for doing a good deed".

Mr Gens Paul Bassel Lorck, who worked for Volkswagen in Uitenhage, was burnt alive after giving some men a lift to a township.

He was robbed of his car and left to find his own way home. On the way he was intercepted by a mob of about 40 who beat and killed him.

In the Supreme Court here, Mr Justice Solomon told Siphiwo Ketye, 19, a 15-year-old and two 16-year-olds that only their youth had saved them from the death sentence.

Ketye was jailed for 19 years, two of the youths for 15 years and the other for 10 years.

The court heard that Mr Lorck was beaten, bound and tortured before being taken to an old cemetery where he was stripped, wrapped in plastic and burnt alive. Four tyres were thrown over him.

3 200 squatters to sue minister

By ANDREW DONALDSON

A SUPREME COURT action against the Minister of Law and Order next month for damages amounting to R166 000 could signal the start of what has been described as an unprecedented and "most extraordinary legal event in South African legal history".

Some 3 200 squatters, affected by the destruction in May and June last year of four Cape Town squatter camps, are suing the minister in separate actions for more than R5,5 million

On September 15 the Supreme Court will hear the consolidated matter of P Mzamka and 20 others, and the Methodist Church in Africa vs the Minister.

This action, described by a Legal Resources Centre spokesman as "massive", concerned the virtual destruction in June last year of KTC and the partial destruction of church property and could run for several months.

The LRC spokesman said he expected that as many as 100 witnesses "from all walks of life" would give evidence on the virtual destruction of the camp at the hands of "witdoeke" or vigilantes despite a provisional Supreme Court order compelling members of the security forces, in particular the police, to take all "reasonable steps" to prevent the attacks.

Two other actions against the minister and concerning the destruction by "witdoeke" of the other satellite camps around Crossroads — Portland Cement, Nyanga Bush and Nyanga Extension — have been placed in abeyance or "on the shelf for the time being", the LRC spokesman said.

The pending Supreme Court actions affect the 3 200 individual Magistrate's Court claims against the minister

These claims, amounting to roughly R5,5 million in damages, have been "pended", according to the LRC spokesman

The intention by the 3 200 squatters to sue the minister was first reported in last November and was described by Professor Jerold Taitz, associate professor of criminal law and procedure at the University of Cape Town, as "a most extraordinary legal event in South African legal history ... it is unprecedented".

The mammoth task of interviewing complainants was carried out by a team of 50 field workers and was co-ordinated by the LRC and UCT's Institute of Criminology.

The extensive fieldwork and preparation for the case was still in process, the LRC spokesman said.

"We have three advocates on brief. Of the several people here at the centre, we have two attorneys at it full-time. Our para-legal assistants are at it full-time. We have a computer and programmer to sift through documentation and put evidence in a chronological order for us and for court purposes," he said.

"We have scores of photographs, video material .. this (the action for the R166 000) could be running for months."

A spokesman for the State Attorney's office confirmed that the matter was set down for next month. He could not comment on the matter, he said.

SCHOOLS ... SCHOOLS ... SCHOOLS ... SCHOOLS ... SCHOOLS ... SCHOOLS ...

Higher primary schools join stayaway

FOUR higher primary schools joined the four-week boycott in Peninsula townships this week as pupils continued to defy their parents' call for a return to classes.

The boycott followed the closure of Langa High School earlier this year by the Department of Education and Training which now wants pupils to re-register before the school can be officially reopened.

In a bid to end the deadlock, the parents urged the pupils to end the stayaway

A member of the Joint Students Representative Council said "We want to be certain Langa High pupils can continue their education in peace It's useless to return to classes while our comrades are still in crisis because of DET's intransigence "

The police acted against a group of boycotting pupils meeting at Fezeka High in Guguletu. The action cannot be reported in terms of the emergency regulations.

The pupils were from Langa High, Fezeka and ID Mkize Secondary in Guguletu, and Mahlzo and Luhlaza in Khayelitsha

This week Langa High school pupils also met in the school grounds

At Vukukhanye Higher Primary School about 600 pupils continued their two week-old boycott in protest against alleged mismanagement

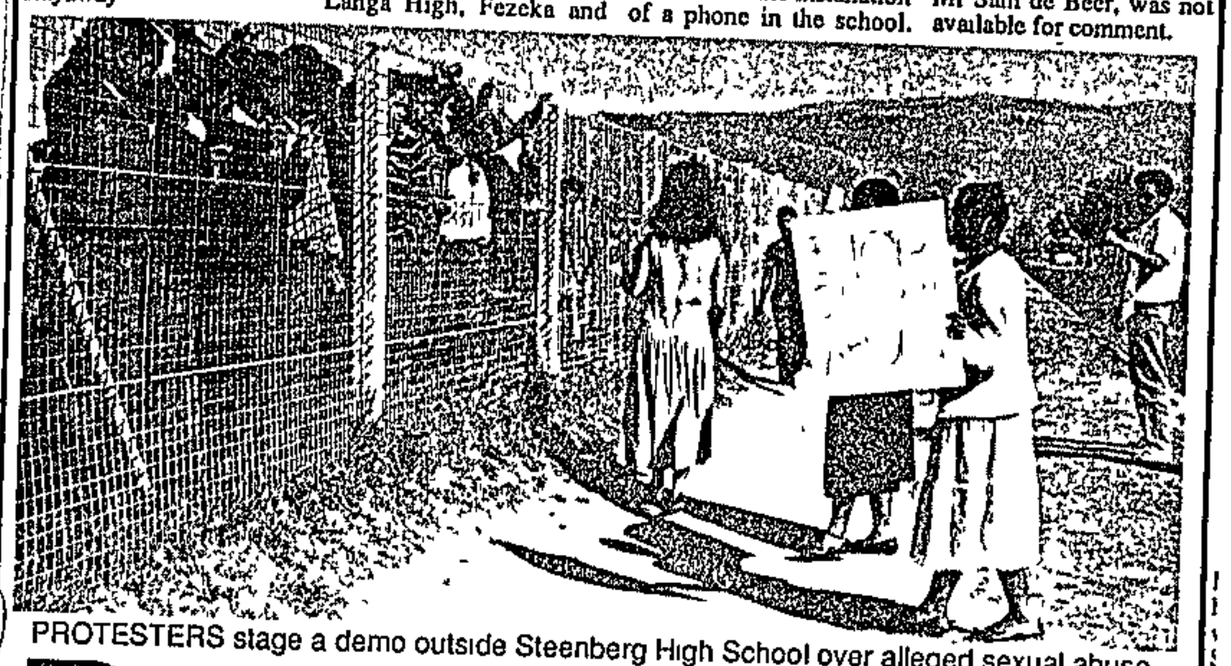
An SRC member said, "In 1985 we were asked to pay R5 each for the improvement of the school. Last year we contributed R1 each for the installation of a phone in the school. But nothing has happened so far. The pupils are demanding to know what has happened to our monies."

The principal could not be reached for comment.

Five classes at the school were damaged after being set alight in June last year.

According to an SRC member, pupils at three higher primary schools Siviwe, Vuyane and Zingisa boycotted classes on Tuesday in solidarity with Langa High school

The Deputy Minister of Education and Training, Mr Sam de Beer, was not available for comment.



PROTESTERS stage a demo outside Steenberg High School over alleged sexual abuse

Boycott over sex abuse

27/8-2/9/87

South 275

By AYESHA ISMAIL

STUDENTS at Steenberg High School boycotted class this week following shock claims of sexual harassment of pupils which they claimed had been going on "for many years".

Several pupils have claimed in affidavits that a teacher at the school had fondled their breasts, put his hand up their dresses and touched parts of their bodies.

"Up to now we did not have enough proof to do anything about it," said members of the school's SRC.

An SRC member said a Standard Seven pupil told them a teacher had fondled her breasts She was in a state of shock and was scared to talk at first

The SRC decided to act and had sought legal advice. Nine girls signed affidavits which were given to the acting principal, Mr A Marsh.

The SRC has demanded that the teacher be dismissed and other teachers be reprimanded They gave the principal a specified time to deal with the matter

Touched

One girl said she approached the principal after being "touched" on several occasions by the teacher, but claimed the principal said she needed witnesses

In her affidavit, another girl said she called the teacher to help her with a problem during a lesson He put his arm around her and his hand under her dress, and played with her brassiere strap He also put his hand on her thigh, she claimed.

Pupils said they were used to the teacher's behaviour

"When he comes to our class, the pupils would say 'Hy is alweer op sy rondes'," a pupil said

The SRC said copies of the affidavits would be sent to the chief inspector if the principal did not act

Parents of the pupils who had signed affidavits were contacted and supported their actions, the SRC said

The SRC has called for a boycott of the teacher's class.

A placard demonstration was held in front of the school this week by a group called Organisation Of People Against Sexism (OPAS).

Serious

A spokesperson said pupils approached the organisation for advice because they viewed the issue in a serious light.

"Sexual harassment is, in fact, a political issue because nobody has the right to abuse their power This is happening in the case of this teacher.

"This issue should not been seen in isolation We staged a picket last year at Alexander Sinton against sexual harassment by teachers," she said

Steenberg's acting principal, Mr Marsh, confirmed the boycott but said the allegations against the teacher were "quite laughable if you read through the affidavits".

But the allegations were being investigated, he said

Protests for SRC continues

PUPILS at Weston Senior Secondary School, Vredenburg staged two protests last week for the SRC executive to function

Recently pupils demonstrating for recognition of their SRC were allegedly baton charged by the school's security guards After the protests, the authorities agreed to an SRC but would not allow the executive to be announced at the assembly last Wednesday

Three pupils were suspended after the incident, but one returned to school after agreeing not to take part in demonstrations

On Thursday, pupils refused to write examinations in protest against the suspensions

An SRC member said classes were disrupted when singing pupils brought other pupils out of their classes to join them

Esterhuizen could not be reached for comment.

Pupils staying at the school's hostel said they were chased away and not given food after they had boycotted classes

Hostel superintendent, Mr Mervyn Green, said pupils refused to eat at the hostel He had the parents' mandate to act in the interest of their children and notified parents before taking any steps

SCHOOLS ... SCHOOLS ... SCHOOLS ... SCHOOLS ... SCHOOLS ... SCHOOLS ...

CNA Times 27/8/87 275

Policeman says he lied in court

Staff Reporter

A POLICEMAN told the Supreme Court yesterday that he had lied to "get a conviction" while giving evidence in a public-violence trial.

He said he had done this because he had been told of a R1,5 million civil claim arising from the fatal shooting of a woman and the wounding of three other people

This was said yesterday by Constable Ernest Villet, who with Warrant Officer Paulus Kruger has pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29, 1985

The state alleges that the two policemen, armed with shotguns, were positioned at a T-junction at the corner of Industry Road and Armada Crescent in Bellville South, from where "obstructions and burning objects" had been removed earlier

Const Villet said he, W/O Kruger and a Constable Van Wyk hid in the garden of a house close by. W/O Kruger said people had been making trouble and added "we will give them a surprise, we will shoot them".

When a group of people at the corner fled, he and W/O Kruger fired shots.

Four women were left lying in the road and he later discovered one of them was dead

Under cross-examination, Const Villet said he had realized immediately that those shot had not been guilty of any crime "After the shooting I did not see any burning barricades, only a small fire I felt bitter . because I felt that W/O Kruger lied when he said he saw people place obstructions in the road."

He admitted throwing a state witness, Mr Adriaan Erasmus, to the ground, swearing at him and hitting him with the butt of his shotgun Mr Erasmus did not do anything wrong and was not guilty, he said.

Public-violence charge

When he learnt a few days later that Mr Erasmus and the other wounded had been charged with public violence, he, W/O Kruger and Const Van Wyk discussed the matter.

W/O Kruger told him that a civil claim of R1,5 million had been instituted and that they had to get a conviction in the public-violence case to explain the shooting

The hearing continues today.

Mr Justice Howie was assisted by Mr A van Niekerk and Mr J P van Niekerk. The Deputy A-G, Mr H C Klem, SC, appeared for the state with Mr W Downer Mr D Uijs appeared for Const Villet, Mr A H Veldhuizen appeared for W/O Kruger

ARGUS 27/8/87 27

Fear of R1,5-million claim behind perjury

Supreme Court Reporter

A POLICEMAN on trial in the Supreme Court for murder has admitted perjuring himself in a Regional Court public violence trial to try to incriminate four Bellville South residents because he feared a R1,5-million damages claim.

Constable Ernest Villet said in cross-examination yesterday that he, fellow-accused Warrant Officer Paulus Kruger and Constable Martiens van Wyk had discussed the events of August 29 1985 and invented a story to tell in the Parow Regional Court.

The lower court trial followed a shooting incident in Bellville South in which a woman was killed and three were injured.

Some of the injured were arrested and charged with public violence.

Not guilty plea

Constable Villet and Warrant Officer Kruger have pleaded not guilty to murdering Miss Sarah van Wyk, 21, and attempting to murder three women, one of whom lost her right arm.

Constable Villet said: "The three of us got together and decided to tell a story which would get the people convicted

"If the people were acquitted I was scared of the civil claim of R1,5-million."

Mr H Klem SC, for the State: You knew that one of the accused, Mr Adriaan Erasmus, was not guilty. Why did you not tell Warrant Officer Kruger you should tell the prosecutor this?

Constable Villet: I was worried about the civil claim. I was more concerned with my own financial position.

Mr Klem: And not about the freedom of Mr Erasmus?

Constable Villet: Right. I didn't think about that.

Constable Villet said that the first time he realised that Mr Erasmus was involved in the public violence case was when he saw him in court.

"I realised that this was an innocent man. Then I just began to lie to get him convicted."

All the accused in the public violence trial were acquitted.

Evidence in the Supreme Court has been that the three policemen waited in ambush for potential rioters and hid in the grounds of a house on the corner of Armada Crescent and Industry Road.

They later fired on a group of people fleeing from the intersection.

(Proceeding)

Mr Justice Howie is sitting with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Mr Klem is assisted by Mr W Downer. Mr D Uijs, instructed by Hamblin and Co, appears for Constable Villet. Mr A Veldhuizen, instructed by the State Attorney, appears for Warrant Officer Kruger.

What we'll do with our cash — Langa

By EDYTH BÜLBRING, Port Elizabeth

AFTER two-and-a-half years, the first in the batch of payments awarded by the state to 51 victims of the 1985 Langa shootings were made at Uitenhage's Jubilee Hotel this week.

The bulk of the money — R1,3-million — was handed over on Wednesday to the victims and their families by the firm of attorneys acting on their behalf.

Moses Kwanele, 18, the "boy on the bicycle" told the *Weekly Mail* he was going to spend his R17 000 on a house for his family in Uitenhage's Kwanabuhle township. His mother, two sisters and a brother were removed from Langa township last year and are living in the shanty town of Tyoksville.

He relived the events on March 21 1985 which cost 21 people their lives and the state R1,3-million. "I was on my way to work on my bicycle and turned the corner into Maduna Road when I saw some police and army vehicles and a crowd of people. I heard some gunfire and then I don't know what happened next."

He spent four days in Uitenhage hospital and then he was arrested and spent four days in the Uitenhage police station.

"When I came out, the police came to my house and I ran to Molly's house (Molly Blackburn) and I stayed there for two months." He said he was still waiting for his bicycle. "It's too small for me now, but it's the right size for my brother, George."

Bucwa, who was 15 at the time of the shooting, worked for an egg farmer as a delivery assistant. He has been unemployed since the shooting and says he wants to go back to school: "First I am going to get away from this place and then next year I want to go to school."

Bucwa, a shy and gentle person, said he had never been politically active. A mischievous look crossed his face and he said: "Tell the people I am a gangster, that I belong to the Mongrels." He burst out laughing and then said seriously, "In Uitenhage the walls have ears. I cannot say what I am here. This place is full of apartheid. I have been hungry and jobless for so long and when you speak to white people in Uitenhage you have to say: '*Missies, ek is honger,*' (I am hungry) or '*Missies ek soek werk*', (I am looking for work). That's the way it is here."

The 51 claimants received the money in the form of open accounts with a local bank. Halton Cheadle, one of the lawyers, said they could withdraw the full amount the next day if they wished.

Each person was advised to consult one of the financial advisers present and Cheadle warned them against "vultures and people who never cared about you when you were poor, but will now flock around".

Although the handing out of the bank books proceeded slowly, Joyce Lamani, 21, who was shot in the jaw and the leg said she could wait for her R10 000 all day. She said she was going to buy a car and a bedroom unit.

Mthethelezi Menziwe, 17, said he was going to spend the money on tertiary education at the technikon. He will receive R10 000 and was shot in the neck and the head. Baba Mathambo, 22, who was shot in the head, said she was going to put her R21 000 towards a social work degree at the University of Fort Hare.

For others, the money will not last for ever and the daily struggles still exist: "Do you know where I can get a job?" asked Mimise Peter who was shot in the back and is receiving R11 000.

Laurence Gqubule, who was paralysed from the waist down, will receive the largest payout — R450 000. His mother, Margaret Gqubule, said she had come to fetch the money because her son was still unable to move from his bed.

Helen Seady, another lawyer for the claimants, said not only was R1,3-million being pumped into a poor community, but it was a boost for people's morale.

As one claimant put it: *"Die polisie, hulle wou mos, nou leer hulle"* (The police, they wanted to do it, now they must learn). — Ecna

Ambush trial judge: Call officers to give evidence

By RONNIE MORRIS

IT WAS in the interest of justice that two police officers who were in command of policemen who shot and killed a girl and wounded three people during a police ambush in Bellville South in 1985, be called by the court as witnesses, Mr Justice C T Howie said in the Supreme Court yesterday.

He was speaking at the conclusion of the cross-examination of Constable Ernest Villet, who with Warrant Officer Paulus Kruger, is charged with murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29, 1985. They pleaded not guilty.

Evidence was that the two men had fired their shotguns seven times at a fleeing crowd, killing Miss Van Wyk and wounding a 15-year-old schoolgirl and two young women, one of whom lost her right arm as a result.

Mr Justice Howie said that in terms of the Criminal Procedures Act, the court had a discretion to call witnesses

It was in the interest of justice ("gesonde regspleging") that the former head of the Bellville riot police unit, Captain Ockert van Schalkwyk, and the former District Commandant, Colonel M G Mans, be called by the court as witnessess, he said.

Mr H Klem, SC, for the state, said Captain Van Schalkwyk could be present today and Colonel Mans had to travel from East London and may be available next Tuesday.

The hearing continues today.

Mr Justice Howie was assisted by assessors Mr A J van Niekerk and Mr J P van Niekerk. Mr Klem, Deputy Attorney-General, was assisted by Mr W Downer Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet Mr A H Veldhuizen, instructed by the State Attorney, appeared for Warrant Officer Kruger

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Kensington, Joha...

THE *Weekly Mail* has, in recent weeks, given extensive coverage to the ongoing crisis in education in the Western Cape. In particular, attention has been focussed on the Department of Education and Culture's (House of Representatives) prosecution of 73 teachers for their refusal to administer exams at the end of 1985, and the community response to this "trial".

This case arises from a Wectu call not to administer these exams; the teachers concerned (with the exception of two) were Wectu members and all were acting in response to the organisation's call; the community response, both to the demonstration of July 20 and in terms of organisational support, has been addressed entirely to Wectu.

We find that your failure to mention Wectu's central role in this matter amounts to more than a chance omission.

Furthermore, your response to a published letter (July 31 to August 7 issue) which pointed out this glaring omission entirely overlooks the complaint made and amounts to trivialisation of the objection. Mr Molteno did not question coverage of events; he objected to your mystifying lack of a single mention of Wectu.

We would like to place on record our strongest objection to this negation by silence. In a time when mass resistance to the state is being well consolidated at an organisational level, we feel that this effective denial of an organisation by a respected national newspaper has serious implications, not only for us but for the whole democratic movement within this country.

If such a state of affairs continues, we shall be forced to reevaluate our policy of working fraternally with the *Weekly Mail*.

We would make any such change in policy with regret, but unhesitantly. — **Yousuf Gabru, Wectu chairperson, Crawford**

28/8-3/9/87
W/Mail
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KSFIN

for South African
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quantity of Sharksfin
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...though the sport was fantastic, I ... star Rob ... Rejecting Mr Watson's evidence.

Girls injured as armed men attack school

By CHRIS BATEMAN

AT LEAST eight schoolgirls were treated for injuries after about 20 men allegedly armed with pangas, axes and whips stormed the Malizo High School in Khayelitsha on Thursday "to teach the boycotters a lesson".

Pupils and teachers later identified the men as "vigilantes" from the township's Site C, which falls under the leadership of Mr Mali Hoza.

A Khayelitsha doctor who treated the injured pupils said they were suffering from "weals, many of which bled, all over their bodies". He had prescribed pain-killers and sedated one hysterical Std 9 girl, identified as Miss Phumuza Dontso.

Pupils and teachers at the school said yesterday that the men arrived in three vehicles soon after 11am and approached pupils on the school grounds, asking: "Why aren't you writing tests?"

Miss Dontso said the men "just began hitting us. We tried to run to the fence, but there were others there, so we ran back into the classes. Two men came into the classes and hit us with sticks and whips. When I ran out again, one hit me on the back of the head with the blunt end of an axe. The next thing I remember was waking up in the clinic".

A Std 8 pupil, Patricia Manquasane, said the men simultaneously "asked us why we weren't writing tests and hit us".

Pupil demands

Several pupils claimed one pupil had fallen over a top storey balcony in her haste to escape the vigilantes, identified by them as "Mr Mali Hoza's Site C men".

A senior teacher at the school who declined to be identified for fear of victimization, said that on Wednesday pupils demanded the establishment of a parent-teachers-students' association and the postponement of tests they were supposed to be writing this week.

On Thursday a teacher had delivered the pupils' demands to Mr Hoza, who was to attend a meeting with teachers later that day.

A police spokesman said that no charges had been laid but that he could "confirm that adults later identified as parents" had sjambokked the pupils

Mr Hoza could not be traced for comment.

ESTATE

HIGHLANDS ESTATE

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Acting on instructions of the PTA, Kenny Finberg will offer this fascinating and valuable collection of donations for the Annual Auction at:

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CAPE TIMES 29/8/87

Cop: Shoot to kill 'no problem'



GIVING EVIDENCE... Captain Ockert van Schalkwyk at the Supreme Court
Picture: RICHARD BELL

By RONNIE MORRIS

FORMER Bellville riot squad commander Captain Ockert van Schalkwyk yesterday told the Supreme Court he had no problem shooting people dead if the circumstances justified it.

Captain Van Schalkwyk was giving evidence after Mr Justice C T Howie said it was in the interests of justice that the policeman be called by the court as a witness in the trial of two policemen charged with murder and three counts of attempted murder.

Warrant Officer Paulus Kruger and Constable Ernest Villet have both pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29, 1985, at the intersection of Armada Crescent and Industria Road.

Capt Van Schalkwyk said that before the incident, police headquarters had telexed instructions that people who threw petrol bombs should be "eliminated".

In the context of the riot squad's work, he understood the word to mean kill. He had used the word eliminate during briefings and on the parade ground and was under the impression that the policemen who served under him understood the meaning of the word.

He could not, however, remember if he told them it meant to kill.

On August 29, 1985, unrest in Bellville South reached a point where police could not merely arrest people but "had to shoot to hurt people". The intersection was the flashpoint of unrest and at the time people were hostile towards the police.

With a few exceptions, the policemen who served under him were "inexperienced" in riot control.

"Because of the events that day we remarked to each other that it was not unrest but war. It became worse as the day progressed and got out of hand.

"The young policemen hid their feelings well but I could see they were in a hurry to get back into the Casspir after I ordered them to extinguish a fire in the road. They were frightened."

When he arrived at the intersection minutes after the shooting, he had not seen any burning barricades.

Under cross-examination by Mr D Uijs, for Constable Villet, Captain Van Schalkwyk said he had 22 years' service and regarded himself as an experienced policeman. He became commander of the Bellville riot squad in mid-1985 after a 14-day course.

When he gave Warrant Officer Kruger the order to take two men to hide in the garden, he realized they could use their firearms.

"If a policeman fell in the hands of a crowd, he would be killed."

Under cross-examination by Mr A H Veldhuizen, for Warrant Officer Kruger, Captain van Schalkwyk said: "It would not be a problem for me to kill someone should the circumstances justify it."

The hearing continues next Tuesday when the former Bellville District Commandant, Brigadier (then Colonel) M G Mans, will give evidence.

Mr Justice Howie was assisted by assessors Mr A J van Niekerk and Mr J P van Niekerk. The Deputy AttorneyGeneral, Mr H Klem, SC, assisted by Mr W Downer, appeared for the state Mr Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr Veldhuizen, instructed by the state attorney, appeared for W/O Kruger

The 48 hours that shook the SABC: PW backs down in power duel

HOW RIAAN BEAT THE AXE



Riaan Ekst ... survived he describ the "most dramatic 4 hours of life"

S Times 30/8/87 ~~257~~ 275

Confusion piled on chaos as boy gets a fortune



FLASHBACK . . . Samantha Cohen and Sylvia Elkon, elated by win

AN ELEVEN-year old boy yesterday got a cut of the disputed Operation Hunger Gold Rush million . . . but his new fortune may still be in jeopardy.

Fierce controversy flared again yesterday after an announcement that the R1-million prize in last month's chaotic competition was to be divided between the original winners, the Johanesburg "Family Ties" syndicate, and Riaan Grunewald of Brits, Transvaal, who did not take part in the final.

Riaan's mother, Louise, and his stepfather, Pieter Du Toit, said yesterday they were angry at the way the money was to be divided.

While they admit, they

THE GOLD RUSH FIASCO

Report by GWEN GILL

terday, Operation Hunger's executive director, Mr Ina

finalist, he could not be traced in time to take part in

Tune into M-Net free!



By LESTER VENTER and DOUGLAS GORDON

AN AMAZING political drama was played out behind the closed doors of high offices in Cape Town this week. The State President and the head of the SABC were locked in a power struggle that will reverberate in politics for months.

The battle lines were drawn around a controversial question does the Government have the right to dictate what should appear on South Africa's TV screens?

For two days Mr Riaan Eksteen's job hung in the balance President Botha wanted him fired.

The eyeball-to-eyeball confrontation became virtually the sole topic of discussion in Parliamentary circles as intermediaries scurried around to defuse the crisis.

Ultimately, President Botha backed down — apparently with reluctance

Mr Eksteen survived in his job — but afterwards described the bitter exchanges as "the most dramatic 48 hours in my life, and probably in the history of the SABC".

Yesterday political circles were still abuzz Many observers believe Mr Botha's precipitate demand for Mr Eksteen's head has raised again an issue that is much discussed even among NP politicians a blunt, imperious exercise of power that brooks no opposition.

Tension in the corridors of power became palpable as politicians heard the first hints of the drama being played out behind the doors of the Presidential office in Tuynhuis.

Uneasy

DEYSEL



TV beauty Liz we bachelo boy De in secr

Sunday Times Reporter

SILKEN-VOICED television presenter Liz Dick this week secretly married bachelor boy Deon van Zyl.

The news surprised friends and colleages, although the couple have been living together for some years.

"It was a sudden decision," said a colleague.

"They married in Johannesburg on Thursday and left for a honeymoon in Natal the next morning.

Suitcases

"They just got into a car and drove off with a suitcase or two — not knowing exactly where they were heading."

Liz was formerly m to Pieter Fourie, head Cape Performing Board.

A striking brunette late 30s, Liz first appe South African televisi continuity announce

More recently sh peared as a presenter bilingual programme alongside André Walt

Good-looking Deo Zyl, in his early 30s, fi peared on television p a millionaire's son series Brood vir my

He is now prod ction

THE PRICE of the Sunday Times goes up to R1,30 next week. Subscriptions will

ous exercise of power that brooks no opposition

Tension in the corridors of power became palpable as politicians heard the first hints of the drama being played out behind the doors of the Presidential office in Tuynhuis.

Uneasy

The adversaries. President Botha and Mr Eksteen, Director-General of the SABC

The issue Direct interference in the content of the Network news programme — while it was on the air

The consequence an attempt by Mr Botha to sack Mr Eksteen.

The concilators: the Minister in charge of the SABC in the State President's office, Mr Alwyn Schlebusch, and the chairman of the SABC board, Mr Brand Fourie.

The result: an uneasy truce.

The Presidential style was already under intense discussion when the new drama began to unfold

The week before, Mr Botha had given the coloured House of Representatives a humiliating tongue-lashing.

The Labour Party leader, Dr Allan Hendrikse, had been dismissed (or resigned, depending on which political vantage point is used) from the Cabinet.

Parliamentarians were speculating about what it all meant Could the 'coloured House now force Mr Botha into an election he does not want in 1989?

Fateful

Then came the fateful Network transmission last Monday night.

TV news political correspondent, Freek Robinson, reported in a lead item prepared earlier that day that Mr Botha "had accepted the resignation" of Mr Hendrickse from the Cabinet after Mr Hendrickse had received a letter from the President that contained the phrase, "In the circumstances your membership ... has become unacceptable".

The item included an interview with Mr Hendrickse in which he explained his resignation.

Mr Botha, say reports, was enraged. He objected to the resignation being presented as Mr Hendrickse's initiative — instead of the virtual sacking that it was.

His temper was not stilled by the generous air time given to Mr Hendrickse to explain his action.

A telephone call was immediately put through to Mr Eksteen.

The identity of the caller could not be established this week, but both Parliamentary opposition spokesmen on media affairs, the CP's Mr Clive Derby-Lewis and the PFP's Mr Dave Dalling, claim they have convincing information that it was Mr Botha himself.

A question about their claim was directed to Mr Botha's office yesterday, but

☐ To Page 2

P.T.O.

Eksteen beats the Botha axe ... for now

☐ From Page 1

was referred Mr Schlebusch, who could not be contacted for comment.

However, earlier in Parliament, Mr Schlebush had said the Government did not interfere with SABC dependence on news presentation. Mr Dalling is to table a formal Parliamentary question.

At the time of the telephone call, Mr Eksteen and Dr Fourie were hosting a party for MPs at a Cape Town hotel.

The SABC news team was ordered to re-broadcast the news item.

This was done after the weather report. Viewers were perplexed to see a clearly flustered Mr Robinson read Mr Botha's letter to Mr Hendrickse, Mr Hendrickse's reply containing his resignation, and a subsequent statement from Mr Botha's office.

But someone high up was still not appeased.

The complete texts of the letters were read *again* at the end of Network — and *once more* on Tuesday morning during a Breakfast TV broadcast.

Unbowed

On Tuesday morning, Mr Eksteen who, with Dr Fourie and other board members was visiting Cape Town for the SABC budget debate, was carpeted at Tuynhuys.

In Parliamentary circles and among SABC staffers there was scant doubt that Mr Botha made clear his intention to fire the director-general.

But Mr Eksteen was unbowed. An Afrikaans newspaper reported that he took the cable-car to the top of Table Mountain to reflect on his future. Then he came down to fight. Dr Fourie and other board members rallied to support him.

In SABC offices around the country, staffers who had long been irked by what they regarded as unjustified pressures upon them from political quarters, talked of mutiny if Mr Eksteen's head rolled.

One senior source said: "If the boss wins, we'll let him speak for himself.

"If he loses, a lot of people will resign in sympathy and have a lot to say about it."

Mr Eksteen could also count on the help of old allies, many of them said to be in the Department of Foreign Affairs.

Mr Eksteen is an alumnus of the department and was Ambassador to the United Nations when the Minister who was then in charge of broadcasting, Mr Pik Botha, appointed him director-general of the SABC four years ago.

It seems likely that President Botha was reminded that he did not have direct authority to dismiss Mr Eksteen — only the SABC board was empowered to do so.

Embarrass

A sacking would also have tended to embarrass members of the Government, who have always been vigorous in their denials of interference in the affairs of the SABC.

By Wednesday night the matter was settled. Mr Eksteen had survived the top-level challenge to his and his board's authority.

At what cost will only be decided at an SABC board meeting this week.

On Thursday, Mr Eksteen used the closed-circuit internal network of the SABC to address his staff.

Saying that he was pleased to tell them "we know where we stand", he thanked them for their support.

"We have had difficult times before and survived. And there are difficult times ahead but we will survive because I can rely on your support," he said.

"My duty is to protect you. And your dedication will help me to do the job I intend to do — making the SABC a strong organisation we can be proud of."

As he had often done before, Mr Eksteen reminded his staff that the SABC faced constant public scrutiny.

"The pressure is unbelievable but we need not be afraid," he said. "We will show everyone, supporters and critics, that we will achieve our aims."

For two days, SABC news bulletins made no reference to the insistent reports that its boss was under pressure.

SABC staff rallied round Mr Eksteen, particularly after rumours had circulated in Parliament that Mr Botha wanted to appoint his right-hand man, Dr J P Roux, Secretary-General of the State President's office, as the new broadcasting chief.

Dr Roux, known in Parliamentary circles as "J R" — and not universally popular with his colleagues — is known to be a devoted and influential supporter of President Botha.

By yesterday, SABC staff had closed ranks to limit leaks on details of the drama.

When the SABC board meets in Johannesburg on Wednesday, Mr Eksteen is expected to ask for guidelines to be set that will strengthen the corporation's armour against interference.

Mr Eksteen's problems, however, may not finally be over.

Truck stoned, overturns

By CHRIS STEYN

A MILK truck overturned on the N2 near Langa at the weekend after swerving to avoid a group of youths who were throwing stones, the driver said.

The truck fell sideways across the highway and caused minor traffic delays for about two hours, while mopping-up operations were underway.

A Cape Times team was on the scene of the accident shortly after it happened at about 5am on Saturday morning.

The driver of the truck, Mr Richard Mkhosana, was in a state of severe shock.

But he told the Cape Times that the accident was caused by a group of about 20 youths who suddenly appeared on the highway and started stoning the truck.

"I swerved to get out of the way, and the truck started swinging all over the road. Then it fell over," he said.

Soweto women's group in plea to save Kinikini killers from the gallows

The Soweto Women's Group has made a plea to Mrs Elize Botha, wife of the State President, to intercede on behalf of two men scheduled to be executed in Pretoria tomorrow.

The appeal to Mrs Botha was made public at a press conference in Johannesburg today.

The condemned men, Moses Jantjies and Wellington Mielies, were sentenced to death for the murder of kwaNobuhle town councillor Mr Ben Kinikini and five other people on March 23 1985, outside Mr Kinikini's funeral parlour, which was allegedly used to jail abducted activists.

The building was set alight and Mr Kinikini, his four sons and a friend were hacked to death and burnt as they ran out.

"Your speedy intervention will surely save our two children, Wellington Mielies and Moses Jantjies, whose lives the State has decided to terminate tomorrow morning," the Soweto group has written to Mrs Botha and to Mrs Corrie Vlok, wife of Law and Order Minister Mr Adriaan Vlok.

Meanwhile, an urgent court application for a stay of execution of the death penalty imposed on the two is expected to be brought in the Pretoria Supreme Court today.

They are among the first to face hanging for crimes arising from the wave of unrest which swept South Africa from September 1984.

The application likely to be brought on behalf of Jantjies will argue that his execution should be postponed to allow the courts to consider new information about his mental condition.

The West German government, Archbishop Desmond Tutu and the Southern African Catholic Bishops' Conference are among those who have pleaded with Pretoria to spare the lives of those convicted of politically inspired murders.

ARGUS 2/9/87 (275) (288)

CITY/COURTS

Brigadier signed false report after shooting

Staff Reporter

FORMER Bellville district commandant Brigadier Martinus Mans told the Supreme Court that when he signed a false statement he was aware of the possibility that information in it could be used by the Minister of Police to answer questions in Parliament.

Brigadier Mans was giving evidence in the trial of Warrant Officer Paulus Kruger and Constable Ernest Villet, who have pleaded not guilty to charges of murdering Miss Sarah van Wyk and attempting to murder three Bellville women during unrest in August, 1985.

Brigadier Mans, district commandant at the time, said he accompanied the former head of the Bellville unrest unit, Captain Ockert van Schalkwyk, in the command Casspir into Bellville-South on the night of the incident

Did not correspond

A report to the district commissioner of police in Cape Town signed by Brigadier Mans was handed to the court by counsel for the State.

The brigadier confirmed to Mr Justice Howie that the facts in the report did not correspond with what he saw that night.

Mr Justice Howie. Is there any reason why you didn't call him (Captain van Schalkwyk) in and say, look man, this report is obviously false?

Brigadier Mans: I can't give any reason.

Mr Justice Howie: You decided that however false, you were just going to send the report in?

Brigadier Mans Yes I can only say that I was under the impression that Captain van Schalkwyk had investigated and had the correct facts.

The report said the fire brigade had instructed the policemen to take up position, that 40 to 50 people had stoned police, thrown tyres and wood into the road and set them alight and that Captain van Schalkwyk had warned the people repeatedly that if they did not go into their homes the ringleaders would be shot

In reply to a question from Mr Justice Howie, Brigadier Mans denied that he had congratulated two policemen for their "good work" after the shooting.

Brigadier Mans said earlier that he had suggested that some policemen be left behind to hide and then try to arrest "ringleaders" of unrest.

They returned to the scene after the shooting and saw four bodies in the road One woman was dead.

The hearing was postponed until Friday.

TB boy waits for parents to come

Staff Reporter

A THREE-YEAR-OLD boy who was left at the Brooklyn Chest Hospital more than a year ago is waiting for his parents to collect him

Little Maxoleni Dyasi, has been cured of tuberculosis and hospital staff are hoping his family will come forward to claim him

Maxoleni was admitted in November 1985 after initial treatment at the Red Cross Children's Hospital

Dr Colleen Adnams of the Brooklyn Chest Hospital said he was discharged in the care of his parents in February last year after a search by welfare workers who found them at the Nyanga Bush squatter camp near Crossroads

In June last year Maxoleni was again admitted to the Brooklyn Chest Hospital after his parents failed to take him to the Crossroads Clinic for after-care treatment

OPERATION

His parents again had to be traced to give permission for an operation to his diaphragm, but since then they have not been to see him and they cannot be traced

Hospital staff approached The Argus for help in an attempt to find Maxoleni's parents before he has to be sent to a place of safety or foster-care. According to his file, his father's name was given as Mr Maliva Dyasi.

He often says "I don't want to stay here anymore" when the parents of other children come to visit them or take them away, Dr Adnams said.



Picture LEON MULLER, The Argus.

Maxoleni Dyasi is waiting for his parents to fetch him from the Brooklyn Chest Hospital, where he has been cured of tuberculosis. With him is Dr Colleen Adnams.

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AB3 Jhb 1500 SA327 73S Jhb 1645 Pool, 13h1...

Star Times 2/9/87 278

Brigadier says he signed false report

Staff Reporter

THE former Bellville District Commandant told the Supreme Court yesterday he had signed a false report concerning a woman who was fatally shot by police, knowing that it could be used by the relevant minister to answer questions in Parliament.

Brigadier Martinus G Mans said this while being questioned by Mr Justice C T Howie in the trial of Warrant Officer Paulus Kruger and Constable Ernest Villet, who have both pleaded not guilty to murdering Miss Sarah van Wyk and attempting to murder three other Bellville South residents on August 29, 1985.

He said in evidence that he had been on patrol in Bellville South that day with Captain Ockert van Schalkwyk in the command Casspir. He had suggested to Captain Van Schalkwyk that some policemen be left behind to hide and try to arrest unrest ringleaders.

They later left the area but returned when they heard there had been a shooting incident. Brigadier Mans said he saw four bodies in the road and could see one woman was dead.

He had asked W/O Kruger who had shot the woman and W/O Kruger said he had.

Brigadier Mans said he then walked away because he did not want to speak to W/O Kruger any more since he considered this an admission.

In a report on the incident to the Divisional Commissioner of Police which was signed by Brigadier Mans, it was stated the fire brigade had told the policemen to take up position.

The report stated that 40 to 50 people had thrown stones at police and had thrown tyres and wood on the road and set them alight.

Captain Van Schalkwyk had repeatedly warned people that the ringleaders would be shot if the people did not go home, the report said.

Brigadier Mans told the court he could not remember Captain Van Schalkwyk warning people He would have been aware of it, had Captain Van Schalkwyk threatened to shoot people, the brigadier added.

Under cross-examination he conceded that the report was false.

Captain Van Schalkwyk had brought the report to him and he had read it and then signed it

Mr Justice Howie asked him: "Is there any reason why you did not call Van Schalkwyk in and tell him the report was apparently false?"

Brigadier Mans: "No reason"

The brigadier said this had not been intended to be to the prejudice or benefit of anybody ... "it was an oversight".

The hearing continues on Friday

Mr Justice Howie was assisted by Mr A J Van Niekerk and Mr J Van Niekerk Mr H Klem SC, assisted by Mr W Downer, appeared for the state Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet and Mr A Veldhuizen SC, for W/O Kruger, was instructed by the State Attor-

Cape Times 2/9/87 212
Afrikaans Service

1987

Govt moves to cut Langa friction

ILL-FEELING brewing between the government and the local community over Langa high school may have been eased by three concessions announced yesterday.

They are:

□ Reregistration of pupils at Langa Secondary School, which the government threatened to close, has been extended to the end of the year;

□ The establishment of Working Committees — with parent representation — for Langa, Sizamile, I D Mkize, Fezeka and Crossroads Number 3 high schools;

□ Another Langa secondary school is to be built for occupation in January, 1988.

The first two points are conditional on parents "fully and continuously support the need to register all pupils in all Western Cape schools for the 1988 school year".

The announcement was made by the Deputy Minister for Education, Mr Sam de Beer, yesterday in a joint statement with the parents' representatives he met on August 25, who had indicated to him yesterday that they were prepared to accept the proposals.

Cape Times 3/9/87 BD 575

'Rambos of the townships'

By BARRY STREEK
Political Staff

THE transfer of Major Dolf Odendaal, the controversial deputy head of the riot control squad in Cape Town, had, according to his information, been cancelled by the Minister of Law and Order, Mr Adriaan Vlok, after Major Odendaal protested, Mr Jan van Eck, the independent MP for Claremont, said yesterday.

He said Major Odendaal and Warrant Officer Henrik Barnard were known as "the Rambos of the townships" and had created a "reign of terror in black and brown areas".

In his first speech in Parliament since he resigned from the PFP, Mr Van Eck, who was speaking during the Law and Order vote, said elements in the police "have — more than any number of 'commies' in the Kremlin or elsewhere — fanned the flames of discontent and unrest because of the indiscriminate and excessive force which has been used against all the people of the townships".

This action was "driving the people into the arms of the revolutionaries".

Riot deputy chief's transfer 'stopped'

He and many others had called for the removal of Major Odendaal from his position, but these requests had been rejected publicly.

"I understand on good authority that Major Odendaal received an order from police headquarters in Pretoria transferring him to Randburg.

"I also understand that the Minister cancelled this transfer order after Major Odendaal made protests through Brigadier Mellet.

"The public of Cape Town is entitled to know whether this is true or not, because to leave Major Odendaal in his very sensitive position would definitely be irresponsible," Mr Van Eck said.

He had seen Major Odendaal and Warrant Officer Barnard operate on many occasions and he therefore understood why they were the most hated two policemen in the Western Cape.

In KTC on May 5, Warrant Officer Barnard and five other plain-clothed policemen had crept around, ready to shoot anyone dead who might have thrown a stone at a Casspir, after Major Odendaal's policemen ordered people to leave their houses.

"It was an ambush," he said.

"Because of his senior rank, Major Odendaal creates the greatest problem in the area.

"Where a person needs people who can remain calm in unrest situations, Major Odendaal because of his excitable temperament, is just the wrong man."

His "uncontrolled and shocking actions" at the funeral of Ashley Kriel was indeed "a shocking spectacle".

"To see Major Odendaal, out of control, ordering his men at almost point-blank range to shoot teargas at ministers of religion standing ten metres away at the head of hundreds of mourners, peaceful at that stage, and to see a Bishop Stephen Naidoo on his hands and knees overcame by teargas, is indeed a disgusting spectacle.

"That is how we make enemies of the townships," Mr Van Eck said.

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Appl Times 3/9/87

Guguletu protest meeting disrupted

Education Reporter

PUPILS at I D Mkize High School, Guguletu, held a meeting yesterday to protest against the detentions of the vice-chairman of the Western Cape National Education Crisis Committee, Mr Andile Jonas, and another pupil at the school.

The meeting, which began in the school quadrangle, was later disrupted, after four vehicles arrived outside the school.

The reasons for the disruption cannot be published in terms of the emergency regulations.

A blackboard at the school read: "We demand the immediate release of our teacher and student."

Mr Jonas was detained last Friday and a Std 9 pupil, Mr Siphelo Dukashe, was detained over a week ago.

Police said they do not comment on detentions.

The headmaster of the school, Mr B M Cike, said that about 1 000 school pupils went home after the incident.

A spokesman for the Police Public Relations Directorate in Pretoria said the incident would appear on today's unrest report.

crowave oven

MG3 4/9/87

275 DBV

R60 000 damages claimed for eye injuries

Supreme Court Reporter

TWO residents of Zolani near Ashton have claimed more than R60 000 in damages from the Minister of Law and Order as a result of eye injuries following alleged assaults in front of a police officer.

The claims of Mr Sipho Joseph Sixishe, who has lost the sight of his right eye, and Mr Ntsikelelo Petru Mrubata, who is practically blind in his right eye, have been consolidated.

They cite as respondents the Minister, a Warrant Officer Hansen, Mr Kokoloyi Stanford, Mr Matroos and Whatu Willie Matroos.

Mr Sixishe has also named Mr Meshack Jantjies as a respondent

Mr Sixishe and Mr Mrubata say were arrested on the night of May 24 1986 and charged with public violence.

DISCHARGED

Both men were discharged.

Mr Sixishe said Mr Kokoloyi Matroos hit him with a sjambok and Mr Whatu Matroos and Mr Meshack Jantjies beat him on the head and back.

He said Warrant Officer Hansen assaulted him; alternatively assisted his other assailants; alternatively neglected to prevent them from assaulting him.

Mr Sixishe, suing for R30 344, said he had serious injuries and is blind in his right eye.

Mr Mrubata said Mr Kokoloyi Matroos and Mr Whatu Matroos hit him with sticks.

The hearing continues today.



re KEN GOOCH, University of Cape Town

tudent examines a young pa- of the nightly clinics held un- pices of Shawco. The clinics of- ntive and curative services.

Zolani residents sue minister

Staff Reporter

TWO residents of Zolani, near Ashton, are suing the Minister of Law and Order and several others for a total of about R61 000 after one lost an eye and the other the sight in one eye in incidents said to have taken place there on May 24 last year.

The minister and other respondents have denied the claims by the two plaintiffs, Mr Sipho Sixishe and Mr Ntsikelelo Mrubata.

The hearing continues today.

Cape Times

September 5, 1987

Reject policeman's evidence, state asks

Staff Reporter

THE evidence of a policeman, who said he had fired on a group of people after they had started a fire in a road, should be rejected because several other policemen said there had been no fire, the Supreme Court was told yesterday.

The suggestion was made by Mr H Klem SC, for the state, in the trial of Warrant Officer Paulus Kruger and Constable Ernest Villet who are accused of murdering Miss Sarah Van Wyk and attempting to murder three other Bellville South residents on August 29, 1985.

Both men have pleaded not guilty to the charges

Mr Klem said there was "overwelming" evidence from several police witnesses that the group of people had done nothing more than talk about their intention to build a burning barricade.

Mr Klem said the version by Warrant Officer Kruger about events that day should be rejected

"Warrant Officer Kruger said himself that he could not say that the deceased and three complainants had committed any crime," Mr Klem said.

The hearing continues on Monday

Mr Justice Howie presided with two assessors, Mr A van Niekerk and Mr J van Niekerk Mr Klem was assisted by Mr W Downer Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet Mr A H Veldhuizen, instructed by the State Attorney, appeared for W/O Kruger.

Bonteheuwel 'radicals' blasted

Cape Times 5/9/87

By BARRY STREEK
Political Staff

HOUSE OF REPRESENTATIVES. — A Labour Party MP, Mr Patrick McKenzie, said the ANC was trying to make Bonteheuwel ungovernable, and the Minister of Law and Order, Mr Adriaan Vlok, said radicals were trying to make the area unmanageable.

Mr McKenzie, the MP for Bonteheuwel, said it was "a known fact that the ANC is trying to make Bonteheuwel highly politicized".

Speaking during the law and order vote in the House, Mr McKenzie said the words used by Mrs Winnie Mandela when she urged the use of the necklace as a weapon in the struggle would never be forgotten.

"Young people in our townships are being told that formal teaching should be frozen.

"Young people are being politically fired up"

Some pupils in Bonteheuwel were being used for the express purpose of confronting the police.

Mr McKenzie said he had the highest regard for the police, who had to maintain order in these circumstances

Their homes had been burnt and marriages had been broken but they had been loyal to their job.

"Policemen have become targets to further alienate them from their community.

"The silent majority cannot bear it any longer

"Young people have been smuggled into neighbouring states for military training."

It was not good to see a community such as Bonteheuwel being dragged down because of a minority of young people, Mr McKenzie said.

Replying to him, Mr Vlok said: "Bonteheuwel is an area which the radicals aim to make unmanageable."

He praised Mr McKenzie as one of the MPs who was "working hard for his constituents" and said he would visit Bonteheuwel to see what could be done

The police were working in very difficult circumstances, "but we do not use people's courts or bush courts. We work within the system and we will continue to do so", Mr Vlok said.

Maputo, SA meet again

PRETORIA. — South Africa and Mozambique held the first discussions here yesterday since a joint liaison committee was established in Cape Town last month.

The South African delegation was headed by Foreign Affairs director-general Mr Neil van Heerden and the Mozambican delegation by Lieutenant-General Tobias Dai.

A Foreign Affairs news release said a wide variety of subjects, including security matters, were disussed "within the framework of the Nkomati Accord".

The statement concluded: "The meeting took place in a constructive atmosphere.

"The two delegations agreed to report to their respective governments on the outcome of today's discussions." — Sapa

Necklace killing: PE man to hang

Own Correspondent

PORT ELIZABETH. — The Supreme Court, sitting in New Brighton township, sentenced a 22-year-old man, Tsepo Letsoare, to death for the necklace murder of a former emergency regulation detainee.

Sentencing Letsoare of Motherwell Township, Port Elizabeth, Mr Justice Mullins said this was one of the most "horrible" crimes and a "deliberate cold-blooded killing". He found no extenuating circumstances.

Letsoare was charged with the murder of Miss Nozipho Grace Mvetye, an alleged police informer who, after being released from detention, was discovered by her sister under a pile of smouldering tyres in a sports ground in Motherwell on October 7, 1985.

Three co-accused were acquitted on Thursday after the judge found there was no evidence implicating them.

After listening to the judge pronouncing the death sentence, Letsoare maintained that he had no knowledge of the crimes of which he had been found guilty.

He said he had made statements to the police during interrogation because he had been assaulted and he had been paid out some money by the police.

Mr Justice Mullins said the court was satified that Letsoare had been identified among the groups who were chanting freedom songs and passing near the house of the dead woman and who had threatened to kill her because they alleged she was a "sellout".

LO - BUILDING I

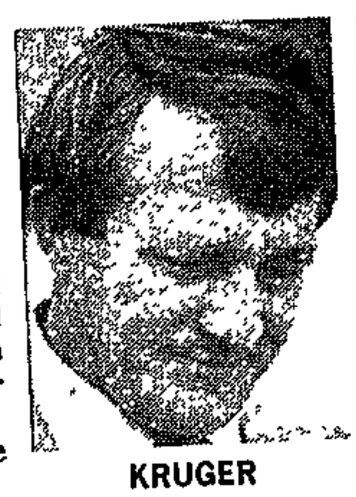
AREA: Within a ion,
excluding that p

By SYBRAND MOSTERT

TWO YEARS after a young girl was fatally shot during an "unrest incident", a Supreme Court judge has heard how two senior police officers deliberately submitted a false report on the event.

The court also heard that the police had been issued with the wrong ammunition. And a third policeman admitted to lying in a preceding public violence trial "to get a conviction".

The startling revelations were heard in the Supreme Court in Cape Town this week.



KRUGER



VAN SCHALKWYK

Riot fatality: judge told of false reports

The two riot policeman, Warrant Officer Paulus Kruger, 36, and Constable Ernest Villet, 27, are charged with murder and three counts of attempted murder.

According to evidence, the two were ordered to hide in the garden of a home in Bellville South to try to arrest "agitators".

The suburbs of the Cape flats had erupted in a wave of violence on the day the fatal shooting took place.

Police said that the area was "like a war zone".

The court heard that, after the two policemen had hidden in the garden and their Casspirs had left, they had fired their shotguns seven times at a group of people.

False

Miss Sarah van Wyk was killed and three others wounded.

One of the girls lost her right arm in the incident.

This week the two officers' District Commandant at the time, Brigadier Gerhard Mans, told the court that he had signed a report on the day's events drawn up by the then head of the riot unit, Captain Ocekert van Schalkwyk, knowing that it was false.

Ealier, a 16-year-old schoolgirl who was among those shot that day, said she and about 15 others had gathered at the corner of Armada Crescent and Industry Road, Bellville South, at dusk on August 29.

She and Miss van Wyk had turned around and walked a few paces when she heard shots.

"As I turned I saw Sarah fall. At the same time I felt a burning pain in my left shoulder and neck. I felt lame and could go no further."

Miss Mercea Coetzee, 26, said that she was also among the group, and that "everything was quiet" after earlier unrest and police activity.

"I heard people laugh behind me. As I turned to walk up Armada Crescent I heard the footfall of others walking with me and then a loud shot.

"I saw Susan van Wyk fly into the air. It looked as though something lifted her.

"At the same time my feet were lifted from the ground," she said.

A police forensic expert from Pretoria, Lieutenant Andries Du Plessis, said that Miss van Wyk had been killed by No 1 bird shot pellets.

Police were supposed to be issued only with No 5, AAA and SSG bird shot.

Lt Du Plessis said it appeared the quartermaster had issued the wrong ammunition.

Opinion

He added that the deceased would probably still have died if she had been hit by No 5 pellets instead of No 1.

Captain van Schalkwyk admitted in court that the report issued on the days' events was "false".

His commanding officer and the District Commandant at the time, Brigadier Martinus Mans, said that he had signed the report even though he knew it was false.

ARGUS 9/9/87

Crossroads residents tell of attacks

Supreme Court Reporter

RESIDENTS of the Nontsumpa Bush area of Crossroads say they live in fear of their homes being burnt down by a group of men, including the mayor of Crossroads, Mr Johnson Nxobongwana.

This was evidence in affidavits before the Supreme Court yesterday when three members of the Nontsumpa Bush community were granted interim relief from further attacks on them or their houses.

Mr Nxobongwana, Mr Eric Ndzunga, Mr Willie Soga and Mr Alfred Gele have until September 30 to show why the order restraining them from assaulting, attempting to assault or intimidating Nontsumpa Bush residents and from destroying or damaging their houses should not be made final.

TEMPORARY ORDER

The temporary order was granted by agreement.

Mr Amos Funani, a barman at a Woodstock hotel, said in an affidavit that he was on a 14-member Crossroads town committee elected in April.

"Mr Nxobongwana was elected chairman and Mr Ndzunga, Mr Soga, Mr Gele and Mr Charles Lele and I were all on the committee."

Mr Funani said that on June 24 several shacks belonging to members of the Nontsumpa Bush community were burnt down and that an attempt by Mr Ndzunga, Mr Soga and Mr Gele to damage others was thwarted by policemen.

POLICE INTERVENTION

"On July 11 a further attempt was made to burn our homes and was again prevented by the intervention of the police," he said.

Mr Funani said that he and Mr Lele were ordered out of a meeting of the town committee on July 9.

"Mr Ndzunga and Mr Gele moved that we should be ejected because we had obstructed the committee's work by calling the police when they had wanted to demolish the shacks on June 24," Mr Funani said.

"He said he had tried several times to set up a meeting with Mr Nxobongwana, but had been unsuccessful.

"My family and I live in great fear because I have heard from large numbers of people that it appears that the respondents have decided that the whole of Nontsumpa Bush should be cleared of shacks."

Cop on charges after shooting

Staff Reporter

A POLICEMAN, described by a Supreme Court judge as having "little regard for the sanctity of human life", is to be charged, in a sequel to the death of Mr Ebrahim Carelse, who was shot during unrest in Salt River in 1985.

In a previous civil hearing, in which Mr Carelse's wife, Juwaya, claimed R51 975 from the Minister of Law and Order, it was said that Mr Carelse, a father of three, was shot in the head at point-blank range.

The Attorney-General, Mr Neil Roussouw, confirmed yesterday that his office had authorized the prosecution of Lieutenant John Baird.

Lt Baird is now station commander of the Jeffrey's Bay police station

He would face charges of murder, alternatively culpable homicide, it was reported yesterday.

The acting senior prosecutor at the Cape Town magistrate's court, Mr Selwyn Schrock, said yesterday the A-G had "issued certain instructions in connection with Lt Baird".

An inquest magistrate found in June this year that culpable homicide was committed when Lt Baird shot Mr Carelse.

Prosecution, defence agree — brigadier is a liar

Cape Times 9/9/87 95

By SHAUNA WESTCOTT
Supreme Court Reporter

PROSECUTION and defence counsel in the murder trial of two policemen are agreed on one thing — that Brigadier Martinus Mans, former Bellville District Commandant, is a liar.

This emerged during argument yesterday in the trial of 36-year-old Warrant Officer Paulus Kruger of Bellville and 27-year-old Constable Ernest Villet of Elsie's River.

Both have pleaded not guilty to murder and three charges of attempted murder after earlier entering a special plea that they were indemnified from prosecution by one of the emergency regulations in force in 36 magisterial districts on August 29, 1985 — the day 21-year-old Miss Sarah van Wyk was shot dead.

The state alleges that the two policemen emerged from a hiding place on the corner of Industry Road and Armada Crescent in Bellville South and fired shotguns seven times at a fleeing crowd. Miss Van Wyk was killed and three other people, two of them schoolgirls, were wounded.

Both defence counsel were scathing about Brigadier Mans — a colonel at the time — in argument yesterday. Mr A H Veldhuizen, for W/O Kruger, said the brigadier's evidence was "incredible" and could not be relied on, while Mr D Uijs listed "a brigadier who tells lies" as one of the reasons for "an uneasy feeling that not all the facts are before court".

Deputy Attorney-General Mr H G Klem SC named both Brigadier Mans and Captain Ockert van Schalkwyk — former Bellville riot squad chief — as part of a "large-scale cover-up action" that had complicated the prosecution's task.

Mr Veldhuizen said the brigadier had been unable to explain why he had signed a report about the shootings he admitted was false. "To hit the nail on the head," Mr Veldhuizen said, "why does a man make a false statement? It's either to protect himself or to prejudice someone else."

Mr Veldhuizen said the two accused fired on the crowd "to bring home to trouble-makers that from now on they would not know where the police were — just like the Trojan Horse case".

"It was to bring home to them that if they create unrest they will feel it on their bodies."

Judgment will be given on Tuesday, September 15.

Mr Justice C T Howie presided with Mr A J van Niekerk and Mr J P van Niekerk as assessors. Deputy A-G Mr H G Klem SC appeared for the State with Mr W Downer. Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet. Mr A H Veldhuizen, instructed by the state attorney, appeared for W/O Kruger.

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The weeks of rage that led to that first necklace death

The men hanged this week were the country's first convicted 'necklace' killers. MONO BADELA recalls the spiral of violence which finally exploded into the gruesome death of town councillor Ben Kinikini in March 1985, before the first State of Emergency



LEFT Benjamin Kinikini in his damaged home after a petrol bomb attack
RIGHT Aftermath . Kinikini's son's mutilated body hangs from a rafter
Pictures. Courtesy City Press

THE death of KwaNobuhle town councillor Benjamin Tamsanqa Kinikini was a sight I will never forget. It was not easy to witness.

I went to KwaNobuhle on Saturday morning, March 23 — two days after the Langa "massacre" — after receiving a phone call from one of the young "comrades". I was told only that "things are bad— come quickly"

I was there by 10 30, in time to see chanting groups moving from street to street.

By the time the crowd reached Kinikini's house, it had swelled to about 7 000 angry people.

There were two policemen on guard outside the house, but they fled once they saw the size of the crowd Stones and other missiles were thrown at them, and a truck outside the house was set alight.

The crowd split into two groups. One group attacked Kinikini's mansion, while the other attacked a supermarket centre owned by Kinikini's friend, Jimmy Claasen

When the crowd set the house on fire, it was hard to see whether there was anyone inside. By the time the people had finished, the house was a complete shambles

Opposite, at Claasen's supermarket, several trucks and oil drums were destroyed. The shop was looted and set alight.

The crowd then surged towards Kinikini's funeral parlour a block away, where Kinikini and his two sons were hiding

The parlour was attacked and within minutes, Kinikini, his two sons, and an employee, who was related to the councillor, were dragged outside

The angry crowd started hacking at their bodies with pangas, beating them with sticks, and then dragging them to the township's main road, Matanzima Street Tyres were placed over what was left of their bodies, and they were roasted

People danced around the bodies of these people as they burned. To them, they were burning the symbols of oppression.

Several of Kinikini's cars and hearses were destroyed, and the crowd surged on again — this time to the liquor outlet owned by the East Cape Administration Board, which was also set alight, along with a milk depot metres away from Kinikini's funeral parlour.

It was now close to midday. The crowd moved towards the homes of policemen in the township. They hunted the streets for several hours, searching for other symbols of oppression.

By 4pm, more than a dozen policemen's homes had been destroyed. The policemen themselves had moved their furniture and possessions while Kinikini was burning.

The charred remains of Kinikini have never been found.

For the next two days, police were unable to enter the township. It was a no-go area — all police could do was hover over the area in a helicopter, powerless to act.

It was a day to remember: The first necklace killings in South Africa. It was the culmination of a spiral of violence that had been building for months in the two Uitenhage townships, of KwaNobuhle and Langa.

Weeks before he died, Kinikini knew there were people who wanted to kill him. He had been warned in public on several occasions that the community was out to get him. For township residents, the town councillor had become a symbol of oppression.

Kinikini's problems with the community of Uitenhage began more than seven months before his death.

On August 9, 1984, he was among a group of town councillors who called an evening meeting in KwaNobuhle hall to announce they were going to increase rentals in the two townships

The councillors were shouted down by a large crowd and chased out of the hall They ran to the council chambers, protected by municipal police.

From that meeting onwards, all the councillors' homes were placed under guard The sides had been drawn

At the next council meeting, Kinikini is alleged to have proposed that all councillors be provided with guns in order to protect themselves His motion was adopted By mid-September, councillors were armed. Some of them moved out of the township to avoid the *"amabutho"*, or "young lions"

In November the Congress of South African Students and the Uitenhage Youth Congress asked Mayor Bonana Tini to open the hall for a meeting the groups had arranged with parents to discuss school boycotts. Tini told the organisers Kinikini was holding the key for the hall.

When confronted by the organisers demanding the key, Kinikini allegedly threatened them with a gun From there on, it was open confrontation between Kinikini and community members

Rumour fed upon rumour Kinikini was alleged to have formed a band of vigilantes, of working openly with the police, of pointing out "comrades". The rumours were never proved — but they fed the mounting violence.

Community leader Fikile Kobese, a national organiser for the Motor Assembly Components Workers Association of South Africa, accused Kinikini of leading vigilantes in a series of attacks on his home. On December 3, his mother's home was rocked by a highly sophisticated bomb that killed his younger brother, Leslie Kobese.

On the eve of the funeral, police broke up a night vigil for the young man and detained scores of mourners including Fikile Kobese. The funeral was postponed. When it was finally held, police occupied Kobese's house but Henry Fazzie and other UDF leaders prevailed upon them to go.

At the funeral mourners started singing about Kinikini as a "symbol of oppression and all that goes with it". Protection to his house was increased.

There followed three months of mounting violence.

● On January 16, 1985, police in Uitenhage opened fire on a crowd on its way home from a funeral. The next day the houses of three policemen were burnt down in KwaNobuhle.

● On January 28, police allegedly fired birdshot into a crowd. Two more houses were set alight

● On February 1, a vigil held for 16-year-old Mfeleli Makhoza was broken up by the police Several arrests were made The education struggles in Uitenhage intensified at both Department of Education and Training and coloured schools and spread to Port Elizabeth

● On February 14 in Langa, police opened fire on a crowd of about 200, after a house was burnt down. The next day in KwaNobuhle a bus was stoned and set alight

February was a crucial month. All KwaNobuhle councillors resigned — with the exception of Kinikini His house was stoned on February 23. Allegations spread that some of the missing activists were being held by Kinikini in his funeral parlour, or had been taken to a nearby farm where they were being tortured

Clashes between the police and demonstrators increased both in Port Elizabeth and Uitenhage, leading to weekly mass political funerals

● On March 6, three mini-buses were set alight. The next day, three youths were arrested in Rosedale after a bus was stoned, and the day after that a library was set alight in KwaNobuhle.

Days later, a man was killed after hurling a petrol bomb at the police

● On the weekend of March 16/17, The Port Elizabeth Black Community Organisation called for a "black weekend" of mourning and stayaways and a consumer boycott. Two died over that weekend Civil rights activist Molly Blackburn collected scores of affidavits from KwaNobuhle residents, youths and students alleging torture and harassment by the police.

● On March 19, the Uitenhage Youth Congress held a meeting to call for a stayaway and to commemorate the victims of violence in the townships. A Uitenhage magistrate banned a funeral, planned for the next day in Langa.

● On March 21, police opened fire on a crowd on its way to the Langa funeral. Police reported 21 people killed.

In Uitenhage, 13 policemen's homes were burnt.

● On March 23, Kinikini, his two sons and a relative who worked for him were killed by an angry mob. Police attempts to retrieve the bodies from the funeral parlour were hindered by people armed with sticks and knives.

CAPE TIMES 11/9/87

Students face violence charges

By CLARE HARPER
Education Reporter

STUDENTS at the University of Cape Town will face public violence charges arising from demonstrations on the campus earlier this year.

This is the first time UCT students have faced such charges. They arise from the arrest of 25 students over a four-day period of demonstrations in April which culminated in the protest on the verge of De Waal Drive.

Charges against 13 of the 25 were dropped, but a further 12 face various charges of public violence, attending illegal gatherings, assault and attempting to obstruct the course of justice.

Five students face charges of public violence, defined as "throwing or causing to be placed on a public road, stones, bricks, bottles and tyres, and assaulting members of the police and/or members of the public".

The students are being charged separately:

- First-year medical student Mr Saleigh Adams, 20, faces a charge of public violence and attending an illegal gathering. His trial takes place on September 25.
- Second-year BA student Ms Sally Andrews, 20, faces a charge of public violence, attending an illegal gathering and "obstructing a police officer in the course of his duty", on September 23.
- Third-year law student Mr Andrew Brown, 21, faces a charge of public violence and of attending an illegal gathering, on October 5.
- Third-year BA student Ms Carol Green, 20, faces a charge of public violence, assault and attending an illegal gathering, on September 29.
- Third-year BA student Ms Siobhan Mills, 22, faces a charge of public violence, assaulting a policeman and attending an illegal gathering, on October 1.

Seven other students, including Students' Representative Council president Ms Carla Sutherland, 23, and National Union of South African Students executive member Mr Cameron Dugmore, 23, will face charges separately, of attending illegal gatherings, on September 21 and 17 respectively.

The others who face charges of attending illegal gatherings, after their arrest on Monday April 27, are: Shaun Field, 26, Ephraim Jane, 23, Mahmoud Obarry, 23, Klaus Priesen, 33, and Andrew Wheeldon, 22.

Stonings, arson, in unrest report

PRETORIA — Police today reported several incidents of arson and stoning in unrest incidents country-wide last night, adding that an electrical sub-station in Soweto had been slightly damaged in an explosion.

At Diazville near Saldanha, security forces and a private home were stoned.

A woman and three security force members were struck by stones and slightly injured. The group was dispersed with tearsmoke and shotgun fire. A woman and three men were slightly injured. Three men and a woman were arrested in connection with these incidents, police said in the daily bulletin on unrest.

Incidents were also reported from Natal.

At Ashdown, near Maritzburg, "a private home was extensively damaged by arsonists".

The occupant of the house, a 52-year-old man, was also seriously injured when he was assaulted by the group.

At Edikodeni, also near Maritzburg, a private home, a shop and a private vehicle were set alight. — Sapa

Argus 14/9/87

Shotguns, tearsmoke used after stoning at Saldanha

Staff Reporter

TEARSMOKE and shotgun fire were used to disperse a group of people at Diazville, Saldanha, after a woman and three security force members were struck by stones and slghtly injured, according to the police unrest report.

Security force members, their vehicles and a private home were stoned "by a group of coloured" yesterday, the report said.

"A black woman and three security force members were struck by stones and slightly injured. The group was dispersed with tearsmoke and shotgun fire.

ARRESTED

"A coloured male was slightly wounded. A coloured woman and two coloured men were slightly injured.

"Three coloured men and a woman were arrested in connection with these incidents," said the report.

The Argus has been given information about injuries and a possible fatality at Diazville at the weekend.

The Argus also has information about disturbances involving supporters of two rugby teams and after a dance on Saturday night.

STATEMENT

Details cannot be reported in terms of the emergency regulations and the police have been asked to comment.

Boland police liaison officer Captain Gys Boonzaier said a full statement about the events of the weekend was being drawn up and would be sent to the Police Directorate of Public Relations in Pretoria for release to the Press later.

Teenager shot
Argus 15/9/87
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Dead in Saldanha

By DICK USHER,
Staff Reporter

A WEEKEND of violence in the little Saldanha community of Diazville has left one person dead and several injured

Township residents told of two days of clashes, gunshots, barricades in the streets and teargas

They said the spark which ignited the weekend's events was a clash on Saturday afternoon between supporters of two rugby clubs from different unions.

But tension had been simmering all week after the dismissal of about 600 workers by Sea Harvest, one of the area's largest employers.

Stoning

Residents said that Saturday's clash between supporters of the Saldanha Marines, a member of the South African Rugby Union affiliated to the South African Council on Sport (Sacos), and Tigers Rugby Football Club, a South African Rugby Federation member, was broken up by police using teargas.

This was followed by stoning of houses during Saturday evening

On Sunday, shoppers and a group waiting outside a cafe for a bus to take them to a South African Youth Congress rally in Cape Town were dispersed by police

The dead youth, 14-year-old Abraham Julies, was shot on Sunday night

His father, Mr Jacob Jacobus Julies, said he last saw his son about 8pm on Sunday before he went to work.

"About 10 45 one of my colleagues told me that Abraham had been shot," he said yesterday.

"That is all we know about it.

"We have not been allowed to see Abraham's body.

"We have been told that there will be a post-mortem today."

Sources in the township said at least seven people had been injured by police action.

Two of them, Gert Cloete and Rochelda Samuels, were admitted to Vredenburg Hospital.

A hospital spokesman said they had "small wounds in the legs".

Sixteen-year-old Felicia Cloete was admitted to Tygerberg Hospital.

Her father, Mr Jacobus Cloete, said she was shot in the face with a revolver or pistol.

Dissatisfaction is also spreading over this weekend's Harvest of the Sea Festival which is to be opened by President Botha.

● A spokesman for the police directorate for public relations said yesterday's unrest report, which mentioned two days of unrest in Diazville, was incorrect in saying that a youth had been "slightly injured".

He said the statement should have read "fatally wounded".



Picture: HANNES THIART, The Argus

Mr Jacob Jacobus Julies and his wife Elizabeth, parents of Abraham Julies who was shot dead on Sunday evening.

Move on papers 'intimidatory'

The Argus Correspondent

JOHANNESBURG. — Requests by the new Directorate of Media Relations for certain newspapers to submit copies of their publication for perusal are seen as ominous attempts to intimidate editors, says a statement issued yesterday by the Anti-Censorship Action Group.

The statement says the request that copies of newspapers be submitted to the "Government's new chief censor is clearly an intimidatory move with serious consequences for the truly free flow of information which Minister Stoffel Botha claims he believes in".

The statement is signed by author Nadine Gordimer, Dorothy Wheeler of Ravan, and Pat Sidley, president of the South African Society of Journalists.

'Draconian laws inconceivable'

Argus Africa News Service

WINDHOEK. — It is inconceivable that the citizens of SWA/Namibia should still be subject to the "draconian" powers of the Terrorism Act — a law scrapped by the South African Parliament 15 years ago — says a Windhoek Supreme Court judge

Mr Justice Kenneth Bethune made the remark in his written reasons for ordering the release of six Swapo detainees, who were freed on Friday. The men were arrested and held under Section 6 of the Terrorism Act.

He said the Terrorism Act conflicted in a number of respects with the Bill of Fundamental Rights proclaimed with the installation of the current Transitional Government in Windhoek in 1985 The current legislators in Windhoek had, however, so far made no use of their power to revise or scrap the Act.

Kimberley's 'wedding of the

The Argus Correspondent

KIMBERLEY. — The "wedding of the year" here featured Irish schoolteacher Thomas O'Neil and his former pupil, Eulah Bothoboile Mothibi, at the St Boniface Catholic Church

The former St Boniface High School head prefect said "I do" to her one-time matric teacher in the presence of hundreds of enthusiastic, and mostly curious people, who packed the church.

The couple had been the talk from the town from the time they started courting.

"Yes, indeed, we are living in a changing world," said one elderly wom again.

Eulah is cal student worth Univ a lecturer.

They reg as pretty o fathom the fuss".

Argus 15/9/87 307 275 258

R312 000 KTC damages hearing today

By MICHAEL DOMAN
Supreme Court Reporter

A DAMAGES claim against the Minister of Law and Order for R312 000 which is expected to deal with alleged police complicity in the destruction of thousands of homes in the KTC squatter camp starts in the Supreme Court today.

Plaintiffs against the Minister are 21 KTC residents and the Methodist Church in Africa, represented by the Rev Abraham Leshoeli, the president of the Conference of the Methodist Church in South Africa.

Their claims arise out of attacks on KTC by people allegedly from Crossroads known as "witdoeke" on June 9, 10 and 11 last year, during which their houses and a church were destroyed.

The action is based on the allegation that the South African Police caused the destruction of between 60 and 70 percent of KTC dwellings by either participating in the attacks or by failing to take steps to prevent them in circumstances when they could and should have done so.

The Minister has denied the allegations against the police.

Scale model

A scale model of greater Crossroads will be used as an aid in the trial.

The presiding judge, Mr Justice de Kock, is expected to carry out an inspection in loco this afternoon.

A spokesman for the Legal Resources Centre, acting for the plaintiffs, said they planned to call about 100 witnesses and expected the Minister to at least equal that number.

He the trial was expected to carry on well into 1988.

Claims involving more than 3 000 other KTC households destroyed in June last year await the outcome of the present case, by agreement between the plaintiffs' attorneys and the State Attorney, representing the Minister of Law and Order.

The compensation claimed in these actions is about R5-million.

Running parallel to the damages claim is an application by the plaintiffs to have evidence heard on commission in London from former Agence France Presse photographer Mr David Hartman.

In an affidavit, attorney Mr Matthew Walton of the Legal Resources Centre said Mr Hartman, who was liable to perform military service in South Africa, had been granted "religious objector" status, but was not prepared to perform the obligatory six years' service in a designated government department.

"Mr Hartman has told me he is quite prepared to give evidence relating to this matter anywhere outside South Africa," Mr Walton said.

In opposing the application the Minister's legal representatives said it would be impossible to send all 250 policemen who were on duty in the area to London for this evidence.

The presence of the policemen would be necessary to instruct counsel on the cross-examination of Mr Hartman, a representative of the State Attorney's office said in an affidavit.

Mr Edmund Booth, of the State Attorney's office, added that if the court granted the application the opinion of the Minister's legal team was that evidence on commission should be heard before the trial started in the Supreme Court.

Boy, 14, shot dead after firings

CAse Tm is 15/1987

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By CHRIS BATEMAN

A TEENAGE boy was shot dead, at least seven people were wounded and at least four people were arrested in Saldanha on Sunday as labour-related conflict escalated after 280 Sea Harvest factory workers were sacked in the town on Monday.

The toll of wounded could be as high as 10; Diazville township sources have named seven residents they said were wounded, while police said four residents and three security force members were wounded.

Since Monday at least 20 people have been arrested, 11 of them women who appeared briefly before a Vredenburg magistrate on Friday on charges of failing to obey police orders The 11 were granted bail of R100 each.

Township sources gave the names of nine men they said were arrested outside a township cafe early on Sunday. Relatives said they were told by police that the men had been taken to Victor Verster Prison outside Paarl where they were being held in terms of the emergency regulations.

A senior police spokesman in Pretoria, Colonel Steve van Rooyen, yesterday said that a "coloured male" — identified by township sources as Abraham Julies, 14, a Std 4 pupil of Diazville Primary School — had been shot dead on Sunday.

Spokesmen for the Food and Allied Workers' Union (Fawu) and the Saldanha Advice Office said two women and a man, aged 18, 19 and 21, with pellet wounds in their legs, were under police guard in Vredenburg Hospital while a 15-year-old girl with pellet wounds in her head had been transferred to Tygerberg Hospital.

They said they had traced another wounded man to the Saldanha police station but were still looking for two more people reportedly wounded and in police custody. Colonel Van Rooyen said that any additional information received by police headquarters and "worth mentioning" would be released today.

The trouble began after Sea Harvest management fired 280 workers for refusing to meet a 10-minute deadline to return to work on Monday. The workers had demanded an answer about a pending meeting before returning to work, Mr Louis Penzhorn, general manager of Sea Harvest, said yesterday.

Conviction for violence reversed

Supreme Court Reporter

A PUBLIC violence conviction and a three-year jail term imposed on an 18-year-old Bonteheuwel man, Mr Keith Paulse, by a Parow regional magistrate was reversed by the Supreme Court yesterday.

Mr Paulse was sentenced in November last year but has been on bail of R500 pending his appeal.

He was charged with four others, who were acquitted, after rioting youths broke the windscreen of a truck outside Bonteheuwel Senior Secondary School, overturned it and tried to set it alight on April 23 last year.

He was convicted on the basis of the evidence of a single witness, Mr Godfrey Williams, an employee of the fencing firm whose truck was overturned.

Mr Justice H A van Heerden yesterday said it was clear from a reading of Mr Williams's evidence that he was "a very unsatisfactory and weak witness".

The magistrate, Mr J Venter, erred in accepting Mr Williams's evidence, Mr Justice Van Heerden found. Mr Justice A J Lategan agreed.

Mr L A Rose-Innes, instructed by E Moosa and Associates, appeared for Mr Paulse. Mr W Viljoen appeared for the state.

South NEWS

South 10/6/9/8

Kids boycott at five Elsie's River schools

PUPILS at five Elsie's River high schools have refused to write September examinations

The affected schools are Elsie's River, Elswood, Valhalla Park, Uitsig and The Range

The pupils are protesting against the detention of fellow students and have expressed support for political demands like the unbanning of the African National Congress and the return of exiles

According to sources, matriculants have decided to write exams.

In a letter to parents, the principal of Elswood Secondary School, Mr J van Niekerk, said a survey showed that most pupils were against the writing of exams.

Pupils were against writing exams because five Valhalla Park pupils were in detention and an Elswood pupil, Melvin September, was awaiting trial.

Those who wanted to write exams felt it was senseless for five percent of the schools in the Peninsula to boycott exams while the rest of the schools wrote, he said.

An Elsie's River Senior Secondary School teacher confirmed that only matriculants would be writing

She said principals of schools in the area had endorsed the decision taken by the pupils.

A principal of one of the schools said all the principals in the area met recently to discuss the pupils decision not to write examinations.

He said they had generally agreed that pupils were not prepared for the examinations.

He also confirmed that matriculants had already started the examinations at certain schools in the area.

A spokesperson for the Department of Education and Culture said principals could decide whether pupils would write examination or formal tests for the third quarter. But pupils had to be tested in some form or the other.

However, it was compulsory for matriculants to write September examinations.

He also said that matriculants would write examinations starting on Friday.



Pupils of Glendale Senior Secondary School in Mitchells Plain hold a placard protest in the schoolgrounds in support of their principal, Mr Peter Carelse, who has been threatened with disciplinary action for heeding community calls to stay away on May 6, the day of the white election. Carelse, 49, who has 28 years teaching experience, was recently called in by Department of Education and Culture officials and told he could be dismissed, suspended, transferred, demoted or made to take unpaid leave.

Pentech students return to class

PENINSULA Technikon students returned to classes this week after a week-long protest over hostel conditions.

According to students and authorities the demands of the students were addressed and most of their problems have been solved.

Students called for the boycott at a mass rally last Tuesday in protest against the 50 percent increase in hostel fees and the quality of the food and the manner in which it was presented.

"We felt it unfair of the administration to increase hostel fees without improving hostel conditions," said students.

A spokesperson for the students, Mr Julian Fisher, said students recommended improvements of hostel conditions with the permission of the hostel authorities.

The women's hostels would be opened for male friends once they had decided on visiting hours and after their parents had been notified.

Students would also have to draw up their own menu and decide how the food should be presented.

The Vice-Rector of Academic Affairs, Mr B Figaji, said he was glad the issue had been resolved and that students had resumed classes. He added that committees were set up by administration and the students to investigate demands that could not be solved immediately.

10/6/9/87

On Tuesday they joined a UWC protest march when students marched to the Technikon after a vigil for two men who were hanged after being found guilty of murder.

South

A protest rally was also held at Bellville Training College on Thursday. Technikon students stayed away on Friday.

A spokesperson for the Department of Education and Culture said they could not comment until they had the necessary information.

'Foul play' at high school: Teacher returns

A PENINSULA high school teacher, accused of sexual harassment, returned to school this week after an absence of one week

Pupils are demanding that the teacher be dismissed.

Nine students claimed in affidavits that a teacher had fondled their breasts, put his hand up their dresses and touched parts of their bodies.

The man teaches at Steenberg High School. He refused to comment this week.

"The matter rested with the school committee and the principal," he said, adding that he refused to comment on whether he intended taking legal action

The acting principal, Mr A Marsh, also refused to comment and referred SOUTH to the Department of Education and Culture.

A spokesperson for the department, Mr Thinus Dempsey, said the matter would be investigated this week.

Cape Times 16/9/87

Officers may be charged

By RENEE MOODIE

POLICE are investigating charges of perjury and defeating the ends of justice against Brigadier Martinus Mans, former Bellville district commandant, and Captain Ockert van Schalkwyk, former Bellville riot squad commander, following their evidence in the Supreme Court murder trial of two policemen.

The two policemen, Warrant Officer Paulus Kruger and Constable Ernest Villet, were acquitted yesterday on charges of murder and attempted murder after the shooting of Bellville South residents in August 1985.

A police statement yesterday said the Commissioner of the South African Police, General H G de Witt, had taken cognizance of the evidence given by the two men in the case and had ordered "as a matter of urgency" the investigation of charges of defeating the ends of justice and perjury.

"These investigations are already in an advanced stage On completion the case dockets will be submitted to the Attorney General in Cape Town for a decision," he said

The two officers, who were in command of W/O Kruger and Constable Villet, were summoned to give evidence in the murder trial by Mr Justice C T Howie, who said it was in the interests of justice that they be called as witnesses.

Mr Justice Howie found yesterday that parts of the evidence of Captain Van Schalkwyk had been untrue and it emerged during evidence that Brigadier Mans signed a false report knowing it could be used by the minister to answer questions in Parliament

Captain Van Schalkwyk was recently replaced as head of the Bellville unrest unit after being rebuked by two Supreme Court judges

● Police cleared of killings — Page 3

Cape Times 16/9/87 F

Villagers rally after weekend of violence

By CHRIS BATEMAN

THE small West Coast township of Diazville, near Saldanha, rallied yesterday to support the families of those wounded — and one killed — in clashes after 280 Sea Harvest workers were dismissed early last week.

The violence in the town was described by one local church leader as having "politicized and conscientized local people more in a week than it could have in six months".

Last Monday 280 workers were sacked for refusing to meet a management deadline to return to the factory floor. They were later joined by 140 colleagues.

On Sunday, burning tyre barricades were set up and several homes stoned. Five residents were shot and wounded and a 14-year-old boy, Abraham Julies, a Std 4 pupil at Diazville Primary School, was killed.

Relatives of the boy yesterday said he had been shot while climbing over a fence after a road barricade had been set alight on Sunday evening.

Sea Harvest managing director Mr Eckart Kramer denied claims by union officials that he had told them he had called on police to protect those still working.

Mr Kramer said negotiations with the union deadlocked on July 31. This was followed by "sporadic disruptions". Management issued a warning notice to workers on August 17 that "we could no longer tolerate any form of disturbance or go-slows".

The township violence had "nothing to do with the dismissals", he said.

paid holidays

Cape Times 16/9/87

Judge overruled in acquittal of policemen

By RENEE MOODIE

TWO assessors yesterday overruled a Supreme Court judge in acquitting two policemen of the murder and attempted murder of Bellville South residents in August 1985.

Warrant Officer Paulus Kruger, 36, of Bellville, and Constable Ernest Villet, 27, of Elsie's River, pleaded not guilty to a charge of murdering Miss Sarah van Wyk, 21, and attempting to murder three other residents in Bellville South

Mr Justice C T Howie said yesterday that he would have found Warrant Officer Kruger guilty on all charges and Constable Villet guilty on the three attempted murder charges, but he had to acquit the two men in the light of the majority opinion of assessors Mr A J van Niekerk and Mr J van Niekerk

Their opinion had been that the nucleus of the argument in finding the two policemen guilty or not was in the nature of the orders given to them and the way in which they carried them out

Earlier evidence was that the two men hid on the corner of Industry Road and Armada Crescent and fired shotguns seven times at a fleeing crowd. They had been ordered by former Bellville riot squad commander Captain Ockert van Schalkwyk to hide in a garden.

Warrant Officer Kruger told the court he had been told by Brigadier Martinus Mans, former Bellville district commandant — who was also on the scene on the day of the incident, to "eliminate" those who acted against the police.

Mr Justice Howie said a defence argument that the two policemen were indemnified by the state of emergency at the time was not applicable

The assessors found that the orders given to the policemen had to be seen in the context of the events of the day when there was serious unrest in Bellville, that for practical reasons no discretion could be given to the two men in carrying out the order and that congratulations to them by Brigadier Mans after the shooting showed they had carried out their orders successfully

Mr Justice Howie said that the killing of one's fellow man was always unlawful and the carrying of a gun a serious responsibility.

"The police try to enforce law and order but in this case they were not shooting at people who were carrying out crimes but at a group of people, some of whom had announced criminal intentions They could not tell which were those people," he said.

While the shooting could not be seen in isolation, this did not justify the shooting He said the two policemen had been ordered to wound people with deadly weapons and that this was not a lawful order.

"In unusual circumstances, subordinates should weigh orders given to them, specially where the shooting of other people is involved," he said.

Mr H Klem SC, assisted by Mr W Downer, appeared for the state Mr D Uijs, instructed by Keith Hamblin and Co, appeared for Constable Villet and Mr A Veldhuizen SC, for W/O Kruger, was instructed by the State Attorney

nt on Page 14

Sergeant pointed gun at journalists, court is told

Cape Times 16/9/87

By YVETTE VAN BREDA
Court Reporter

A POLICE sergeant cocked his gun in the presence of reporters he had arrested at the funeral of ANC member Mr Ashley Kriel after he had told them: "I only warn once", a Cape Town magistrate was told yesterday.

This was said at the trial of World Television News cameraman Mr Craig Matthew, 29, of Camp Street, Gardens, who pleaded not guilty to obstructing a policeman, Sergeant Ignatius Rademeyer, in the course of his duties.

Sergeant Rademeyer said he was present at the July 18 funeral of Mr Kriel — shot dead by police — to see that only the stipulated 800 people attended and that no one carried cameras. He said he noticed three people, who had "obviously" come in through another gate, running towards the grave. He had stopped them and while he was questioning them, Mr Matthew interrupted him. He said he was unaware that Mr Matthew was acquainted with the three men.

Cape Times reporter

Cross-examined by Mr P Gamble, for Mr Matthew, Sergeant Rademeyer agreed that in the government proclamation concerning the funeral, there was no mention of an official entrance or that cameras were banned.

Mr Gamble said one of the men, Cape Times reporter Mr André Koopman, would say that Sergeant Rademeyer's manner was threatening and he had told them several times they were under arrest.

Mr Gamble said Mr Koopman would also say Sergeant Rademeyer had cocked his gun in their presence and walked behind them with the weapon pointed at them. He lined them up against a wall saying: "I only warn once."

Asked whether he had made threatening gestures with his shotgun while speaking to the three men, Sergeant Rademeyer said he had been making sure there were no shells in the breach.

He said Mr Matthew had objected strongly to being arrested and had tried to get away.

The hearing will continue on September 30.

Mr J W Z Havenga was the magistrate Mr J Slabbert prosecuted Mr Gamble was instructed by Ms A Durbach.

Two policemen, accused of murder, were acquitted in the Supreme Court this week because the Judge's Assessors overruled the Judge. Staff Reporter JEREMY DOWSON spoke to legal experts to gauge their opinions of the judgment

Overruling the Judge: It's a 'matter of law'

NOT unprecedented — but pretty unusual . . .

This was the general response of legal experts to the situation in the Cape Town Supreme Court this week in which a judge's decision was effectively overruled by that of his two legal "helpers" or assessors.

The judge, Mr Justice Howie, said that on the evidence before the court he would have convicted a policeman of murder and attempted murder — and another of attempted murder — on charges stemming from the death of a young woman and the injury of three others in Bellville South in 1985.

However, his two assessors disagreed, he said. They believed the State had not proved its case "beyond all reasonable doubt".

Mr Justice Howie said he believed the order of the policemen's superior, Captain Ockert van Schalkwyk, to shoot ringleaders or those taking part in unrest was so unlawful that a "reasonable man" would not have felt duty-bound to carry it out.

The assessors, retired magistrate Mr A J van Niekerk and retired advocate Mr J P van Niekerk, believed on the other hand that property had been in danger and that "drastic action" had been called for

They believed the captain's order would not have been questioned by a junior.

The two accused, Warrant Officer Paulus Kruger and Constable Ernest Villet, are now free men.

The Argus asked a number of lawyers to explain the role of assessors in the South African legal system for the benefit of a possibly puzzled public.

They said assessors were selected by the judges themselves, usually from a list of people with a legal background who had made themselves available.

Lists were kept in each division of the Supreme Court.

Assessors tended to be people "of senior years", as one lawyer put it, with more spare time on their hands than legal practitioners in full-time employment.

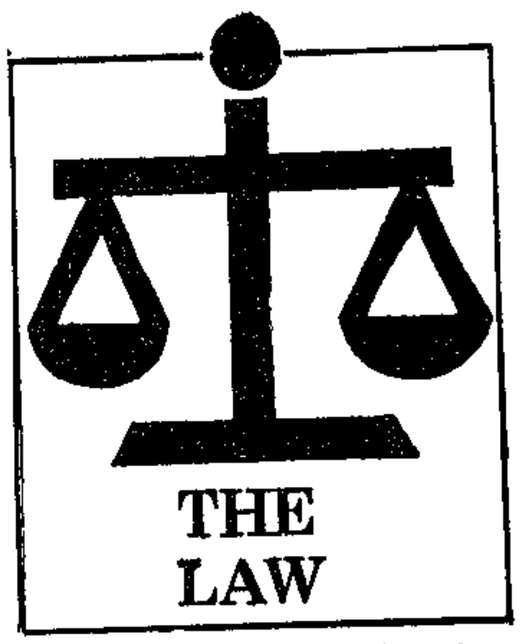
Qualifications

Like magistrates, they did not have to have any formal legal qualifications. Where a judge deemed it necessary, an assessor from another professional field — such as medicine — could be invited to participate in a trial.

One or two assessors could be invited to take part.

An assessor's task, a senior advocate said, was similar to that of members of the jury in British and American courts.

"They assist the judge with findings of fact. In this they have an equal say to the judge. In matters of law, however, the judge makes his own decisions"



He could recall only one other case in which two assessors had reached a finding which differed from that of the judge.

Commented another advocate: "This doesn't occur often at all."

"In fact, the last time I can remember it happening was in a trial I was involved in myself in the 1950s."

Legal academics spoken to after the verdict was given were still doing their own assessment of the implications

One said it appeared that the assessors' decision could arguably have gone beyond the bounds of "matters of fact".

He said the judgment could raise legal questions about whether actions taken under orders — whether lawful or not — were implicitly lawful actions.

However, he would have to study the court records before commenting fully.

The director of the University of Cape Town's Institute of Criminology, Professor Dirk van Zyl Smit, did not wish to be drawn on the specifics of the judgment other than to say it was "extremely interesting".

Asked what the distinction was between matters of fact and matters of law, he said: "The question of whether a question is a matter of fact or of law is a matter of law."

Professor Dennis Davis of the UCT law department said the reason legal disagreements between judges and assessors were so unusual was that assessors were chosen for their knowledge of the law and were therefore likely to be "heavily influenced" by the judge — "perhaps more so than the jury systems of the United States and Britain".

"In the US and Britain, juries often go the other way."

Black Assessors?

The judgment brought home the need for the South African legal system to be amended to allow black assessors.

"If we had black assessors, they might be able to perform the kind of function members of the jury do in other countries."

It was particularly important that in, for example, cases of a political nature, blacks were able to participate in assessment the way whites did at present.

On the judgment itself, Professor Davis said it appeared the assessors had been influenced by their perception of the role of the police in "unrest" situations.

"They appear to have taken a sympathetic view towards the executive role of the police."

Victims to sue for R250 000

By RENEE MOODIE

THE victims of police shootings in Bellville South in 1985 are to institute civil claims totalling more than R250 000 against the police following this week's Supreme Court acquittal of two of the policemen involved in the shootings.

On Tuesday Warrant Officer Paulus Kruger and Constable Ernest Villet were acquitted by a majority decision of the assessors on charges of murder and attempted murder.

Miss Sarah van Wyk, 21, died in the shooting and three others were hurt.

A spokesman for the law firm representing the family of Miss Van Wyk and the other victims, E Moosa and Associates, said a number of civil actions had been instituted against the police for damages resulting from unlawful assault. The amount claimed was more than R250 000.

The Attorney-General of the Cape, Mr Niel Rossouw, said his office would as a matter of course investigate other possible charges once the office had received a copy of the judgment.

"On the basis that the majority decision has said that these people obeyed an order that was given by superior officers and that order may have led to an illegal act, one will have to follow that up," he said.

The Commissioner of Police announced this week that charges of perjury and defeating the ends of justice were being investigated against Brigadier Martinus Mans, former Bellville district commandant, and Captain Ockert van Schalkwyk, former Bellville riot squad commander, following their evidence in the case.

Evidence in the Supreme Court case was that the two officers were in command during the incident in Bellville South.

● Parents tell of grief — Page 11



Miss Sarah van Wyk



Mrs Sarah van Wyk



Miss Monica Daniels

Parents of shot girl tell of emptiness, grief

Cape Times 17/9/87

By RONNIE MORRIS

"IT is so long ago, but for me it seems like she died yesterday. This house is so empty without her."

This is how Mrs Sarah van Wyk responded after the acquittal of two policemen on a charge of murdering her 21-year-old daughter, Sarah, and the attempted murder of three other Bellville South residents in August 1985.

Mr Jakob August, Sarah's father, said: "She was our favourite and we suffered a great loss. Did she have to die that way? Why did the police not wound her or use a sjambok if she did something wrong?"

Mr August said Sarah had always brought her wages home, was very religious and had led an exemplary life.

Mr August said the family did not have it easy after Sarah's death and have just finished repaying a R2 000 loan for her burial. The family had paid instalments on a burial policy for many years but was told Sarah was no longer eligible after her 21st birthday.

Miss Belinda Cupido, whose daughter Crescenda, 16, lost her little finger when police opened fire on a fleeing crowd, said the community could attest to the fact that her daughter was a religious person.

"My child suffered and I, as her mother, suffered with her. She still has pellets lodged in her neck which doctors told me cannot be removed. I will never forget what the police did to her."

Mrs Rosie Cupido, the grandmother of Monica Daniels, who lost her right arm in the incident, said she had raised Monica from a baby and depended on her to take care of her in her old age.

There are still shotgun pellets lodged in various parts of Monica's body and she receives a government disability grant of R142 a month. She also has an artificial arm, which she cannot use because of bad swelling and an open sore that will not heal.

Monica said she was always in great pain during cold spells and still suffered discomfort from the pellets in her body.

"I will not get my arm back — whatever happens," she said.

Newsman is acquitted

By YVETTE VAN BREDA
Court Reporter

THE deputy news editor of the Cape Times, Mr Tony Weaver, was acquitted yesterday on a charge of making false statements to the BBC about a shootout in which seven alleged ANC guerillas had been shot dead by police.

The charge arose from an interview he had with the BBC's Africa Service on March 4 last year about the shootout at the intersection of NY1 and NY111, Guguletu, the day before.

Three charges relating to the printing of untrue matter were withdrawn at the beginning of the trial.

In acquitting Mr Weaver on the fourth charge, the magistrate, Mr J M Lemmer, found Mr Weaver had reasonable grounds to believe that what he had told the BBC was true.

He said medical evidence contradicted evidence of the state witnesses and the court could not say for certain what the truth was.

'True feelings'

"Before the court acquits the accused I have to say that even if the court had found that the matter about the police was false, the accused clearly stated that he had reasonable grounds to believe what he had been told was true," Mr Lemmer said.

There was no evidence to show Mr Weaver did not publish the "true feelings" of the parents of two of the deceased.

In his 90-minute judgment, Mr Lemmer summed up evidence since the trial started five months ago.

The state had alleged that Mr Weaver unlawfully published untrue matter by claiming that:

- Some of the men had been "set up" by the police;
- Weapons were "planted" on certain men to create the impression that they were guerillas and to justify the killings;
- Two of the men were shot in cold blood while either trying to surrender to the police or while lying injured on the ground;
- A policeman took a pistol from the belt of one of the men, kneed him in the stomach and punched him to the ground;
- Another policeman mentioned that they should shoot the man whereupon police fired three shots into him with a rifle.

Sequel to BBC report on city shooting



Mr Tony Weaver

Previous evidence was that Mr Julian Borgers of the BBC had telephoned Mr Weaver on March 3 for details of the shooting. He had given Mr Borgers the police version.

Mr Weaver explained that he had not relayed the report of another Cape Times reporter, Mr Chris Bateman, as the report had not been cleared for publication.

The following day Mr Weaver was assigned to interview families of the deceased. He and a colleague, Mr Andre Koopman, had done so. He believed that the families were genuinely bereaved.

They told him the dead men were not interested in politics and were not ANC members.

On his return to the office, Mr Borgers contacted him for an update and later interviewed him "live" on the BBC. He had related the feelings of the family members and the versions of the eye-witnesses as reported by Mr Bateman.

He had stressed the emotional state of the family in the interview and said he had no proof that what they said was true.

Mr Bateman told the court he had interviewed three eye-witnesses who lived in the Dairybelle hostel overlooking the scene.

The report appeared on the front page of the Cape Times the following day. He said he had no reason to believe that the three were unreliable witnesses and he had spoken to them in Zulu, a language he was fluent in.

One of them, Mr Bowers Vumazonke, said he saw a policeman shoot a man lying on the ground.

Another, Mr Cecil Msutu, said he saw a policeman shoot a man with his hands raised. Mr General Sibaca said he saw a man approach a policeman with hands raised and the policeman removed a gun from the man's belt.

Another policeman then grabbed the man by the back of the neck, kicked him in the small of his back and pulled him down.

"A policeman stationed in NY1 shouted 'shoot him' and then the policeman shot him. He was pointing the gun downwards," Mr Sibaca said.

The driver of a bus loaded with disabled children, Mr Ronald Benting, said a man wearing what appeared to be a police uniform had shot a motionless man on the ground at "point-blank range".

Medical evidence

Forensic experts Dr Johan van der Spuy and Dr David Klatzow said six of seven killed were shot at "very close range".

Dr Van der Spuy said that on the medical evidence he found the accounts of three different sets of eye-witnesses to the killings of three of the men more credible than that of the police evidence.

The police evidence was that they had received information that a police vehicle which passed a certain corner in Guguletu between 7am and 7.30am every day, would be attacked.

One of the policemen involved in the shooting, Major C A J "Dolf" Odendaal, said he was told the alleged attackers would be transported in a stolen minibus. Certain policemen had driven a vehicle to the intersection and others were placed in strategic positions in the area.

He described how a hand-grenade was thrown at a patrol van and how police retaliated with gunfire.

Various policemen described how they had fired at each of the seven victims in self-defence. They all denied planting weapons on the deceased.

Miss W van der Merwe prosecuted Mr J J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver

Cape Times 18/9/87

Weaver trial a huge cover-up — PFP

Political Staff

THE prosecution of Mr Tony Weaver, deputy news editor of the Cape Times, on charges under the Police Act could not be considered as anything less than part of a huge cover-up, the Progressive Federal Party spokesman on law and order, Mr Tian van der Merwe, said yesterday.

He said the acquittal of Mr Weaver had "enormous consequences for the government".

"Not only has Mr Weaver been subjected to a lengthy prosecution costing him tens of thousands of rand in legal expenses, but he has been vilified and insulted and his professional integrity has been called into question.

"I have personally asked a number of questions of the Minister of Law and Order about the shooting of seven alleged ANC guerillas in Guguletu last year, the incident which was the subject of the charge against Mr Weaver

"After some questions had been put, the minister refused to answer any further as he 'was not prepared to be cross-examined on the issue'.

'Lie to public'

"The charge against Mr Weaver can in the circumstances not be considered to be anything less than part of a massive cover-up and attempt to lie to the public about the events of March 10, 1986, in Guguletu, a cover-up which was arrogantly supported by the then Minister of Law and Order, whether knowingly or unknowingly, one does not know.

"I only hope that the judgment of Magistrate Lemmer, which put Mr Weaver in the clear, will lead to further investigations so that the truth can be established," Mr Van der Merwe said

ARGUS 10/9/87

Witdoeke attack on KTC — police 'did nothing'

Supreme Court Reporter

POLICE in Casspirs, parked 5m to 10m away, did nothing to intervene when witdoeke damaged cars at the Zolani Centre and then set the building alight, the Supreme Court was told.

Mr Jimi Matthews, a television cameraman, was giving evidence yesterday in the R312 000 damages action brought against the Minister of Law and Order by 22 residents of the KTC squatter camp.

The camp was largely destroyed during attacks, allegedly by witdoeke (vigilantes wearing white cloths) from Crossroads, on June 9, 10 and 11 last year.

Mr Matthews said he had filmed several scenes, including the burning of the Zolani Centre, on June 9 and 10, but had been prevented from entering the area on June 11 by police at a roadblock.

On June 9 he filmed witdoeke entering the grounds of the Zolani Centre. Some climbed over the fence and others went through the gate.

"They smashed the windows of cars (in the parking area) and set some of them alight," he said. "Some witdoeke entered the Zolani Centre and soon afterwards we saw flames which indicated they had set it alight."

Mr Matthews said he was confused as to why the police had not taken action against the witdoeke when they were so close to them.

Mr Matthews said that while the witdoeke were near the Zolani Centre a man wearing a coat appeared from the direction of KTC and fired at them and the police with what someone later identified as an AK-47 rifle.

"A police Casspir drove in the man's direction. He turned and ran into the KTC camp."

Journalists entered the Zolani Centre after the witdoeke left to record the aftermath of the fire, but left for the Dune Road area after hearing further shots.

"We saw witdoeke torching KTC houses adjoining Dune Road," he said.

Petrol bombs

"They were breaking windows, kicking and breaking down doors and throwing objects which to me looked like petrol bombs, which caused the houses to burn.

"There were Casspirs right next to the witdoeke who were burning the houses. Police didn't make any attempt to stop the witdoeke burning the houses.

"The next day we saw that a number of houses or shacks had been burnt on either side of the dune."

Mr Matthews said that although police monitored the sand-dune where KTC residents were meeting to discuss strategy, they failed to act when these people and witdoeke engaged in stone-throwing on June 10.

"There were police in a Casspir behind the witdoeke, who fired teargas at the advancing KTC residents, forcing them to retreat to KTC.

"About five Casspirs approached slowly with witdoeke around them. Later police twice fired teargas at the residents on the dune, on both occasions causing them and journalists to flee down the other side.

"A French journalist, Patrick Durand, was shot in the arm and my camera lens was smashed by, I think, a bullet and I decided to leave the area because the situation was completely out of control."

(Proceeding)

Shoot-out: AG orders investigation

Capt. Tims 19/9/82

Staff Reporter

THE Attorney-General, Mr Niel Rossouw, yesterday ordered a full investigation into "all the questions raised" at the trial in which the deputy news editor of the Cape Times, Mr Tony Weaver, was acquitted on a charge under the Police Act this week.

In a prepared statement released yesterday, Mr Rossouw said he had "never been apprised from any source whatever" of the existence of witnesses who might have lent creditable factual support to the report that Mr Weaver rendered to the BBC.

In a telephone interview later he clarified this to mean a bus driver and his passenger.

Mr Rossouw said that had knowledge of the evidence of a bus driver and his passenger (which emerged only during the defence case) been available to him earlier, it "may well" have influenced his attitude.

The investigation which would now follow could subsequently have taken place at a much earlier stage, he added.

He had already contacted the Divisional Commissioner of Police in the Western Cape about this investigation.

Mr Rossouw said the reopening of the inquest into the death of the seven alleged guerillas "must await the results of the present investigation".

Asked why the initial three charges relating to the taking of a statement from an eyewitness, Mr Cecil Msutu, the burial of the seven men on a particular day and an alleged demand that the burial take place immediately, were dropped early in the trial, Mr Rossouw replied:

"Unforeseeable changed circumstances did not justify their continuance and it is not expedient in a statement of this kind to elaborate on all the circumstance relating to that decision."

Mr Rossouw began his statement by outlining the four charges and saying that the trial had received immense publicity "right from its inception".

The magistrate, Mr J M Lemmer, found that even if Mr Weaver had published false matter about the police, he clearly stated that he had reasonable grounds for believing it to be true.

Acquitted newsman may sue police for malicious prosecution

THE POLICE took a newspaperman to court because they said his published report on township violence was untrue

The newspaperman was acquitted but the police could now land up in the dock themselves

The about-face took place this week when a magistrate heard witnesses describe how a shoot-out between policemen and seven alleged ANC terrorists in a township outside Cape Town had turned to slaughter.

Witnesses to the shootings — including a busload of handicapped children — told the magistrate that they had seen policemen shoot two of the alleged terrorists in the head at point blank range as they were lying on the ground.

One man, who had raised his hands above his head in surrender, had also been gunned down, they said.

These facts emerged in court when Mr Tony Weaver, the deputy news editor of the Cape Times, was charged with making false statements to the British Broadcasting Corporation (BBC) about police activities.

Mr Weaver was charged under the controversial Section 27(b) of the Police Act which makes it an offence to publish untrue matter about the police.

By SYBRAND MOSTERT

After Mr Weaver's acquittal, the Attorney-General of the Cape, Mr Neil Rossouw, called for a full transcript of the case to investigate "all the questions raised".

Mr Weaver said he is considering suing the Minister of Police, the former Minister of Police Mr Louis le Grange, and former Commissioner of Police, General Johan Coetzee, for malicious prosecution.

Bizarre

In a bizarre twist to the incident, a busload of handicapped children stumbled onto the scene to witness the shootings which took place in Guguletu on March 3 last year.

The bus was full of young children from the Astra School for the Disabled.

The bus driver, Mr Ronald Benting, said he saw a man in uniform shoot another man "at point blank range in the head," a few metres from the bus.

"It happened in front of our very eyes," he told the court.

Mr Benting said that he had approached the intersection on his rounds and saw a number of policemen standing around a mini-bus.

A man was lying in the road and he stopped the bus.

"A white man wearing something like that," he said, pointing at the court orderly's uniform, "approached the man and shot him at point blank range.

"He put the gun close to his head and shot twice.

"I saw blood come out of his head and run onto his cheek"

Mr Benting was then approached by the police and asked what he was doing there.

A 15-year-old pupil with a "learning disability" said that he saw "a black man lift his hands in the air and then they shot him. He fell."

Mrs Patricia Smith, a house-mother at the school, said that she had been in a "terrible state of shock" after the incident.

She had seen "a man lying on the road. A white man had fired downwards at the man with a short gun," she said

Police witnesses said in court — and at the earlier inquest held into the death of the seven — that they had received information that a police vehicle which passed a certain corner in Guguletu every morning would be ambushed.

Grenade

A stolen mini-bus would be used by the attackers, and the police had set up a trap

Members of the Western Cape Unrest Unit and the Murder and Robbery Squad were involved in the shoot-out.

In the confrontation which followed, police said that they had been fired on and a hand grenade had been thrown at them. They had fired at their attackers from a distance in self-defence, they said. Russian weapons had later been seized after the shoot-out

But the court was told by two forensic experts that six of the seven had been shot at "very close range".

And both doctors said that forensic evidence on the death of three of the seven supported the eyewitness accounts more than that of the police

Another witness, Mr General Sibaca, had described how police had grabbed a man, taken a pistol from his belt and then kneed him to the ground.

A policeman in the distance had then shouted "shoot him", and three shots were fired as the man lay on the ground.

Mr Weaver said after the trial that "he was glad that a long period of strain and disruption is past"

He asked whether the inquest into the deaths of the seven would be opened again, as at the first hearing the magistrate had refused to hear oral evidence, and cross-examination of police witnesses had not been allowed

"The expert medical and forensic evidence led in my trial shows conclusively that these police witnesses lied," he said

Newsman, woman shot by 'kitscops'

Staff Reporter

A NEWSMAN and a woman were shot by special constables in the Oudtshoorn township of Bongolethu outside a party on Saturday, according to residents.

The official police version was included in yesterday's unrest report:

"At Bongolethu, near Oudtshoorn, shotgun fire was used when a member of the security forces was attacked and stoned. One black woman and one black man were wounded and arrested."

Residents said the shootings took place outside a hall where the release of two men who had completed jail terms for public violence was being celebrated.

A township source, who asked not to be named, said he had visited 20-year-old Mr Patrick Nuyuka — who works for the newspaper Saamstaan — in George Hospital yesterday.

Mr Nuyuka was taken to hospital by the police after being wounded in the back and arms.

The source said Mr Nuyuka was apparently at the party with a camera and "a piece of paper" and went outside for some fresh air.

According to him there was a disagreement with special constables who demanded the camera and paper. A scuffle broke out and shots were fired.

The wounded woman was Ms Lindiwe Phillips, aged about 29, the source said. She was also in George Hospital but her condition was unknown.

In other incidents of unrest reported by police at the weekend:

- A member of the security forces in Mbekweni, Paarl, used shotgun fire to disperse a group stoning his home.
- In Dobsonville, Soweto, a member of the security forces was shot at and wounded.
- In Forty Second Hill, Harrismith, two arrests were made after two homes were set alight. A security force member opened fire with a pistol after stones and a petrol bomb were thrown at his vehicle.
- n KwaMashu an illegal gathering was dispersed with teargas and shotgun fire after people surrounded a security force vehicle.

the Blaze Witness

CM-Times 22/9/87

'Church burned' after visit by cop, 'witdoeke'

Staff Reporter

A MINISTER of religion yesterday told the Supreme Court he saw Warrant Officer Hendrik "Barrie" Barnard, in plain clothes, and several "witdoeke" enter his church in KTC, after which it burnt down.

Mr Elliot Samuel, preacher and caretaker of the KTC Methodist Church, was giving evidence in support of a damages claim of R312 000 by the church and 21 KTC residents against the Minister of Law and Order.

They claimed police planned attacks against KTC residents and protected and escorted witdoeke before, during and after their attacks.

They also alleged that police prevented residents from protecting their property by firing on them with teargas and ammunition.

Mr Samuel told the court that on June 10 "a policeman in plain clothes, who I recognized as Warrant Officer Barnard, went into the church with witdoeke".

"They came out again and I saw smoke coming from the roof. The church started to burn."

The next day he returned to find the church had burnt down.

In the afternoon he heard the police making an announcement from a Casspir that had been patrolling NY78 in KTC.

The announcer had said over a loudhailer in Xhosa: "Knock off men; we have finished the job."

Witdoeke who had been burning shacks at the time "came out immediately after the announcement", Mr Samuel added.

He also described how on another occasion he had seen a Casspir driving in front of a group of witdoeke while a van brought up the rear.

The witdoeke had attacked the Zolani Centre. While they were fighting with the people in the centre another group of residents had tried to come to the aid of those in the centre — but "police shot at them from the Casspir and they had to run back", Mr Samuel said.

The hearing was adjourned till tomorrow.

Mr Justice M R de Kock presided. Mr Sam Aaron SC, Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre, appeared for the KTC residents. Mr G D Griesel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw, all instructed by the State Attorney, appeared for the Minister of Law and Order.

Strife in Saldanha on eve of PW's visit

By CHRIS GUTUZA

VIOLENCE erupted in Saldanha Bay on the eve of P W Botha's visit to the West Coast village.

The violence was a sequel to a turbulent workers' strike.

President Botha is to open the annual Saldanha Bay Sea Harvest this weekend.

A weekend of violence unparalleled in the history of Saldanha saw a youth killed by the police, several injured and about 11 detained.

On Sunday, a 14-year-old boy, Abraham Julies, was killed and Felicia Cloete, 15, was shot in the face.

Abraham was a standard four pupil at Diazville Primary School. He was shot on Sunday evening and several others hurt

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Nomaindia free to bury son



Ms Nomaindia Mfeketo (right) is greeted by Ms Gadija Vallie on her release from detention
Picture: GREGORY FLATT

A TEARFUL Nomaindia Mfeketo was released this week after more than eight months in Emergency detention.

Attorneys had started proceedings for an urgent application for her release after her eldest son, Kenneth was killed in a car accident at the weekend.

"I feel terrible at the moment — but I am strong," Mfeketo told SOUTH minutes after her release

Mfeketo, an executive member of the Federation of South African Women, is a former chairperson of the United Women's Congress

She emerged from Pollsmoor Prison at about 4.30pm on Wednesday carrying four bags of clothing and food.

"I am disgusted that I must sacrifice my son to be released," she said.

The accident happened on Sunday when Kenneth and four companions were returning from a national conference of the UDF-affiliated Young Christian Students (YCS) in Johannesburg The hired car in which they were travelling left the road just outside Bloemfontein.

Sindile Sigutya, 22, a law student at the University of the Western Cape from Nyanga, and Anne Briggs, 22, a Masters student at the University of Cape Town, were also killed.

Lindelo Ramokola, 23, a first year social work student at UWC had been in a coma but was later reported to be in a satisfactory condition at Pelonomi Hospital in Bloemfontein.

YCS national president Geoff Kalipa, 23, from Nyanga, a first year social work student at UCT, was discharged from hospital on Monday

According to a YCS spokesperson, Kenneth and Sindile will be buried on September 26. Members of YCS, Uwco, the South African National Students Congress (Sansco) and the UDF will attend Anne's funeral in Pretoria on Friday.



Striking Sea Harvest workers at their meeting place in Saldanha. Their spirits remain high in spite of the arrests and shootings in the area the past week.

From page 1

after shots were fired.

Abraham's distraught parents said they were deeply distressed that a boy so young had to die in such a manner.

He will be buried from the local Apostolic Faith Mission Church on Saturday.

According to a police unrest report a "coloured" male was fatally wounded on Sunday evening.

"A security force patrol came across a burning barrier in the road," the report said.

"A youth was fuelling the fire. He fled and was pursued by a security force member. During the pursuit stones were hurled and the security force member fired birdshot."

Felicia was shot on Sunday afternoon after a man in a white car allegedly fired several shots after his car was stoned.

A witness said Felicia was hit in the face.

Her father, Mr Jacobus Cloete, said she was taken to a Vredenburg hospital and later transferred to Tygerberg Hospital where she was under police guard.

"A bullet penetrated her face and lodged behind her right ear. The doctor said there was no brain damage, but she could suffer eye problems at a later stage."

Two other youths, Gert Cloete and Rochelda Samuels, were reported to be under police guard at a Vredenburg hospital where they were treated for leg wounds.

Trouble started in Saldanha after about 280 Sea Harvest workers went on strike last Monday. All were later fired.

Eleven striking women were arrested while police dispersed a group outside the local civic centre last Thursday.

The women have since been released on R100 bail after appearing on illegal gathering charges.

Last Saturday afternoon youths, rugby players and spectators went on the rampage after a tussle between the chairman of the SARU (South African Rugby Union) sports control board, Mr Maxwell Moss, and members of a SARF (South African Rugby Federation) team.

Two police vans were allegedly stoned when it appeared on the scene. At least two policemen's houses were allegedly stoned.

The same night a second crowd allegedly attacked a policeman's car. Moss and 10 others were arrested on Sunday.

Meanwhile the Sea Harvest strike had entered its second week and about 500 workers gather at the local civic daily.

At a Tuesday meeting workers reaffirmed their intention to continue the strike.

Bid to halt fighting

THE executive committee of the Boland Council of Churches (BOCC) has been asked to mediate among warring factions in the Worcester township of Zwelethemba where another person is believed to have been arrested.

Months of fighting among opposing factions came to a head last week with youth leaders and activists fleeing the township, at least three residents being arrested, several homes being damaged and scores of people being injured.

The three appeared in court on charges of public violence. Their bail applications were refused.

The arrest this week of Ms Nomfanelo Xenxe could not be confirmed with police.

According to a member of the Zwelethemba Civic Association, a meeting with the executive of the Boland Council of Churches (BOCC) is being set up in an attempt to halt the violence.

Representatives from the youth, civic, unemployed and the women met the Rev Frank Chikane this week about problems in the township.

Chikane is said to have referred them to the executive of the BOCC.

Residents fear that the violence has not ended and described the atmosphere in the township as very tense.

Chikane could be contacted for comment.

SOUTH REPOR

SIXTY municipal ... bles are to be introd... the Peninsula tow... soon to protect, ... other things, co... councillors.

The UDF this we... pressed grave c... about the new police... are presently und... five months training ... Ibhayi Town Coun... tre in Port Elizabeth.

The training ... constables — emplo... the Town Commit... black local authori... — began in Augu... recruitment in ... townships. The... expected to be rea... duty in December.

Protect hous...

Mr Boy Mafung... secretary of Town... mittee of the W... Cape, welcom... move, saying that ... stables would act as ... officers and would ... the properties o... Community Prov... Administration a... community coun... houses.

Mafunga said th... constables would ... involved in unrest ... tions, unless the ... properties were inv...

"They will also ... the township cl... issue summonses to ... littering the area," h...

Carry guns

Asked about whet... constables woul... armed, Mafunga sa...

"It will not com... for them to carry ... think that depen... whether they stic... striking up good ... ship with the comm...

But Hilda N... publicity secretary ... UDF, in the West ... said: "We have e... of the vigilant ... community - ... have been ki... jured. Vigila... were given ... the creatio... Now the ... with some ... they are ... nicipalit...

"We, ... reject ... for th... prob... disi... ple...

BOOK EXTRACT

This was no holiday from school, he said. *'This was a holiday*

WEEKLY MAIL

FROM BRAINWASHING"



I had privately doubted that the young students even knew what the word 'boycott' meant. Now I saw differently

THE CAPE SCHOOLS, 1980 ...

William Finnegan is an American who taught at a 'coloured' school in Cape Town in the early eighties, when the schools conflict began to heat up. *Crossing The Line*, Finnegan's very human account of his experiences, has been described by JM Coetzee as 'in its quiet way, one of the most important books to come out of South Africa in the eighties'. The book has just been released in South Africa. We extract Finnegan's description of the morning the classroom boycotts began ...



By WILLIAM FINNEGAN

ONE cool morning in the middle of April 1980, everything at Grassy Park Senior Secondary School was summarily turned upside down.

The spectators became the actors, the authorities stepped aside. When I arrived at school that morning, I felt like I'd passed through the looking glass.

Homemade banners and painted slogans festooned the walls and fences: WE WANT OUR DEMOCRATIC RIGHTS; DOWN WITH GUTTER EDUCATION; RELEASE ALL POLITICAL PRISONERS. The entire student body was marching in a great solid phalanx around the campus, chanting, carrying placards, singing freedom songs. "A PEOPLE ... UNITED ... will never be DEFEATED," they roared, over and over, as they paraded. They gave clenched-fist Black Power salutes, and thundered out this Zulu call-and-response:

"Amandla!" (Power)
"Ngawethu!" (To the people)
"A-man-dla!"
"Nga-we-thu!"

The Grassy Park faculty trailed behind the children in a knot, looking nervous. As I approached, Pieterse looked at me sheepishly, shrugged, and mouthed, "Boycott."

The word had been in the air for weeks. My younger students had pronounced it with a guilty relish. I had privately doubted that they knew what it meant. Now I saw differently. Students of mine waved excitedly from the midst of the marching column, as though they had just boarded a train bound for somewhere wonderful and I was on the platform seeing them off. There was Hester, there was Shireen, and Oscar and Marcldia. I waved back, and soon found myself murmuring along with the rollicking refrain of *Freedom is not free — You've got to pay the price, you've got to sacrifice* ... A colleague pointed out a white car parked across the street from the school. "The Special Branch," he hissed. One of the two men in the car was taking pictures.

After a few circuits of the school's perimeter, the procession turned into the courtyard. A small platform was set up, with a microphone. The principal was accorded the honour of speaking first, and for a few moments it was as if things had suddenly returned to normal. The principal launched into one of his gusty, bilingual sermons about his own long history of dedication to improvement of education. But the students did not behave normally. At first, they were strangely hushed and attentive. Soon, they were openly restive.

The principal saw the trend of things and quickly drew his remarks to a close with heated, oblique admonitions to maintain order "lest the tragedies of 1976, when the police killed hundreds of schoolchildren, be repeated".

A succession of senior students then mounted the platform and gave us progress reports on simultaneous boycotting at other Cape Flats schools. There was a complete stayaway at nearby Parkwood High. There was a mass meeting at the local teacher-training college, with a decision likely to shut it down.

More schools were walking out every hour. The boycott had apparently taken the authorities by surprise. These bulletins were crisply delivered, and each drew passionate cheers from the twelve hundred students filling the courtyard — as well as some conspicious applause from the teachers milling at their flanks. The student speakers displayed a striking poise and seriousness. They did not discuss the planning of the boycott, although it had clearly been extensive, and its architects were now emerging from their anonymity. Notable among these, and obviously a leader, was Clive.

Clive spoke forcefully, articulating the situation in both English and Afrikaans. The boycotting pupils' demand, said Clive was for full equality in education. Short-term, that meant an end to the drastic disparities in funding among the various racist school systems. Long-term, it meant an end to apartheid in education. The pupils would settle for nothing less than a single, non-racial educational system. These remarks each elicited a tremendous roar from the Grassy Park student body.

Clive urged his audience not to lose perspective, however. These goals would not be achieved overnight, not without struggle and sacrifice, because the goverment — the "regime" he called it — was deeply committed to their frustration. The boycott of classes was simply a tactic, he said, not an end in itself. The tactic's effectiveness would have to be reappraised continually. For now, it seemed to be the best available way to focus public attention on the problems of schools. *"This is not a holiday from school,"* Clive insisted, driving each word home. "It is a holiday from brainwashing." Pupils, Clive said, should come to school every day, on time, but they should refuse their normal lessons. Leaving school grounds, which would provoke confrontation with the police, would not be constructive. Did everyone agree with this plan for the boycott?

A deafening acclamation endorsed the plan.

"Amandla"
"NGAWETHU"

After the convocation in the courtyard broke up and the pupils had resumed their marching and singing, I stood and watched my colleagues, who now mostly loitered near the staff room, smoking and chatting. Many of the teachers, I thought looked *smaller* today, as though the theft of their authority had physically shrunken them. Napoleon, particularly, seemed lost inside his baggy brown suit. Da Silva and some of the senior teachers looked profoundly disturbed and disgusted, but most of the others just looked uneasy or bored. A few, notebly Nelson and Meryl, appeared quietly elated. I joined them. Nelson asked me what I thought, and I said I liked the bit about a holiday from brainwashing.

In fact, I liked a lot more than that. This jubilant, organised defiance was easily the most exciting thing I had seen since coming to South

Africa. It was nothing less than life rising up against death. It was also, for me, rather redemptively *déjà vu*. For I found the badly aged battle cries from my own student days — for "relevance in education" and "power to the people" — rang here in Grassy Park with a fresh significance. And when, later the morning, somebody produced a guitar in a classroom where several dozen of us, students and teachers, had gathered after the principal had dismissed school for the day, I found I could even link arms with companions and sing Pete Seeger songs without feeling even slightly absurd. It was the sweet African lift and twist that these kids put on the most self-serious liberal lyric. I didn't tell Nelson any of this, though. I asked him what he thought. He said a great deal would depend on how many schools joined the boycott.

"We want the same education the white children get," Wayne said.

"That's why we are boycotting."

"Has Sir seen their schools? They've got swimming pools and tennis courts," Shaun said. "And tuck shops (school stores) like supermarkets.

"And bioscopes."

"They learn the truth," Nico said. "They don't get brainwashed like we do."

ON the second day of the boycott, when it became obvious that marching, singing, and speeches were not going to be enough to fill the hours, the student leaders at Grassy Park High asked the teachers to join them in establishing an "alternative curriculum". After some hemming and hawing, the faculty decided to accept the offer.

The "alternative curriculum" consisted of a great hodgepodge of subjects suggested by both the pupils and teachers. Liberty and Chantal offered to lead workshops on the non-racial sporting movement. Conrad Botha would teach something about computers. Trevor Pieterse volunteered to lecture on the *sestigers*. Soraya would present a class on women's issues. Meryl would offer some direly needed education on sex and contraception. Nelson, Alex Tate, Georgina Swart, and a fiery little maths teacher named Jacob would offer a variety of topics in history and politics, including French Revolution, the Bolshevik Revolution, the fall of Allende's Chile, and diverse aspects of South African history, from Khoisan culture to the bantustan policy and the tradition of black resistance. Tate would also teach a student-requested course on rock-'n-roll music. I was asked to lecture on the United States Bill of Rights.

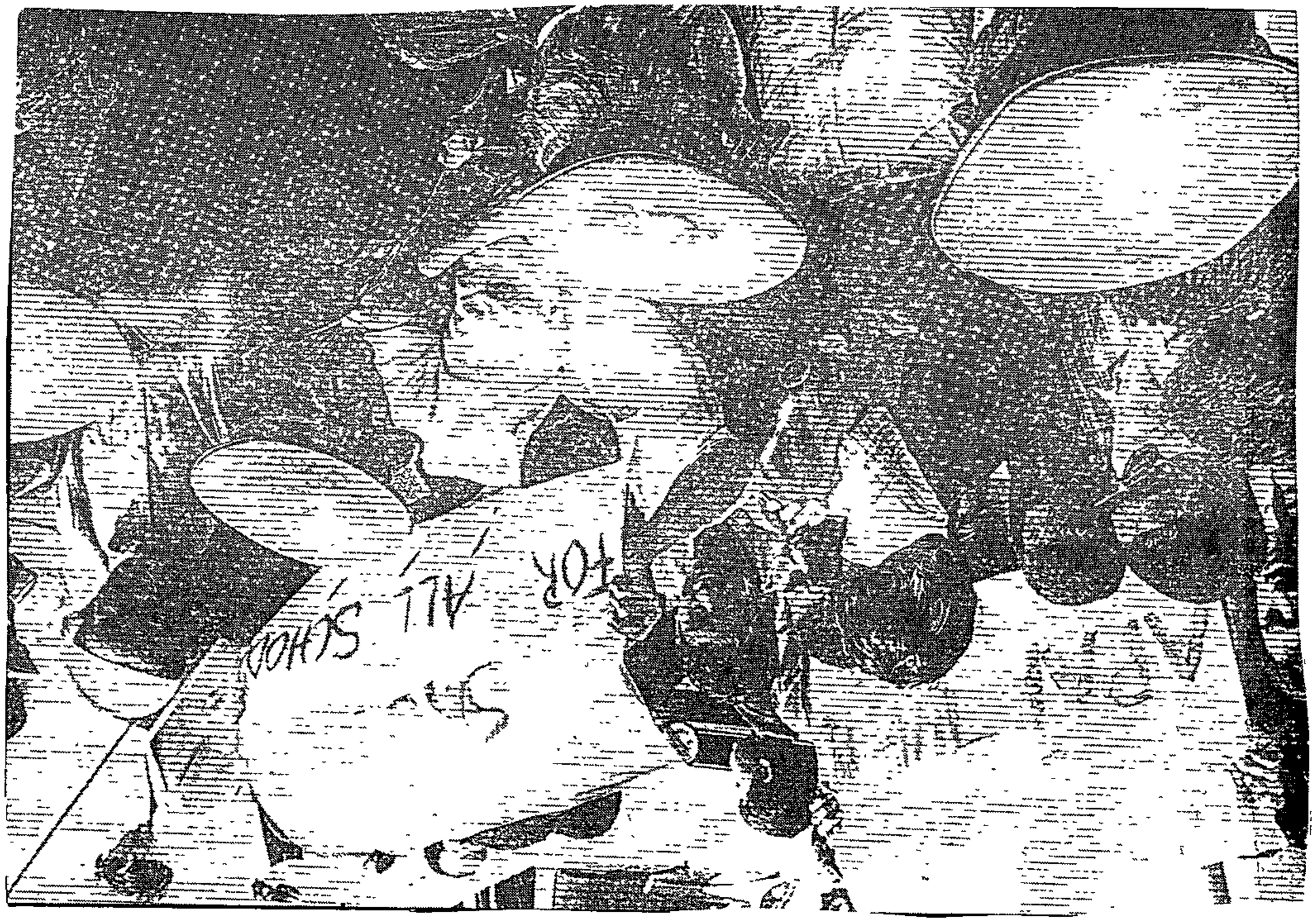
But working out a schedule for these "awareness sessions" as they were called, took much longer than neccesary, I thought. The faculty was clearly glad to have some organising to do. But just as some teachers seemed ineffably shriveled by the students' boycott of classes, so the same people at times appeared to have contracted an instant dotage and become incapable of basic organisation and decisions. In the end, I got so impatient that I jumped up and started assigning people topics and venues myself, and drew up a comprehensive schedule of lectures and workshops. This schedule was ratified immediately by all concerned, and run off on the staff room mimeograph. That it was not my place to impose my solutions in such a situation, that anything else might have been going on in those meetings besides a simple act of scheduling, seems not to have occured to me at the time. I was just eager to get to work. Naturally, my Swiss-clock schedule was followed for less than one day, and I don't think I saw a copy of it other than my own after the second day.

As "awareness sessions" got underway, those teachers who could adjust to the newly-unstructured enviroment — and they were by no means all of the Grassy Park faculty — found themselves flattered by classrooms full of children rapt with much-repeated conviction that only now, finally, were they receiving something that could legitimately be called education, only now were their teachers revealing to them the important things they knew. If anyone became bored, they were free to get up and leave, and if they distracted their fellows, the teacher was free to send them away. There was always a march, a meeting, or a sing-along which they could join. Education had been liberated on several fronts at once

During the first day of the boycott, I taught, besides the Bill of Rights, mass vocabulary lessons. For a whole new political lexicon was filling the air, in speeches, manifestos, and pamphlets, and I had discovered, upon questioning, that few of our students could define oppression, rascim, or class. It was a strange sensation, looking out across a room fill of eager young faces in South Africa and saying, "What do we mean by 'liberation'? Koos?" Or, "Mieta, can you give us an example of 'indoctrination'?" Or, "Amy, use 'democratic' in a sentence, showing that you know what it means." From definitions we went on to the functions of inferior, "gutter" education. "Cheap labour!" Elroy cried, parroting the phrase on many a placard "It is to make us stupid," a boy whom I did not know announced. Many children seemed to agree with the dubious proposition that the education provided at "white" schools was something wonderful that they were being denied.

I tried to suggest that white schoolchildren were also receiving a narrow, passive, and politically censored schooling, but ran into a wall of vaguely resentful scepticism. Our students did not want to be told what they wanted, not this week.

One problem I did not face, though it bedevilled a large number of my colleagues from the beginning of the boycott, was the reproach implicit in the constant denunciation of the normal school curriculum issued by boycott leaders and quickly picked up the mass of students. How *could* their teachers have conspired to waste their time with that government propaganda? At Grassy park High, there were few cases of direct confrontation but the humiliation of individual teachers was reportedly common at other Cape Flats schools, and the atmosphere everywhere was thick with newfound faculty conscience. Needless to say, I heard no more about my previous deviations from the syllabus. The confrontation with the authorities that I had been dreading had been postponed indefinitely by the advent of this infinitely more serious confrontation.


FOR ALL SCHOOL

Reporter free as spotlight turns to police

By GAYE DAVIS, Cape Town

THE acquittal of journalist Tony Weaver under the Police Act yesterday has turned the spotlight back onto the police and the incident in which seven alleged guerrillas were shot in Guguletu, Cape Town, last year.

Weaver, the *Cape Times* deputy news editor, was yesterday acquitted on charges of contravening Section 27 (b) of the Police Act.

He had been accused of publishing untrue matter about the deaths of the seven alleged ANC cadres in a BBC interview the day after the shootings. In it he cited eye-witnesses' claims that some of the men were shot dead in cold blood and said families of the dead men felt Russian-made weapons had been planted on their bodies to justify their being shot.

Finding Weaver not guilty, magistrate J M Lemmer said the "true facts" were not put before the court by the State. He had no reason not to believe the medical evidence — unchallenged by the State — which contradicted police testimony on how six of the seven died, and evidence by three eye-witnesses called by the defence could therefore also not be rejected.

Lemmer added that even if he had found that Weaver had published false matter, the evidence was that he had reasonable grounds for believing it was true.

Weaver said this week he believed his acquittal was not the end of the matter.

He wished to know whether the Attorney General would re-open the inquest into the deaths of the seven alleged guerrillas.

Weaver said that at an inquest hearing, the presiding magistrate refused to allow oral evidence or the cross-examination of police witnesses. Yet the medical evidence showed conclusively that some of the police witnesses lied, and that several of the men were shot at point-blank range.

He also wanted to know:

- Whether the "inexplicable" disappearance of part of the court exhibit and alterations made to a police register had yet been investigated;
- The reason why three other charges, relating to *Cape Times* reports of the same incident, were suddenly dropped at the start of the trial.

As PW visits, Saldanha's in mourning

U/Mail 18-24/9/87 275

By GAYE DAVIS, Cape Town

WHEN President PW Botha arrives in Saldanha Bay to open this weekend's Harvest of the Sea festival, residents of the West Coast fishing town's "coloured" township of Diazville won't be celebrating. Instead, they'll be burying a 14-year-old boy shot by police last Sunday.

At the funeral will be some of the 600 workers fired 12 days ago by the town's major employer, Sea Harvest. The dismissals led to violence — and Abraham Julies' death.

Julies died in a hail of birdshot as he was fleeing from police, according to a witness.

In a sworn affidavit, 22-year-old Edward September described how he saw a policeman first try to grab the boy and then shoot at him as he attempted to jump over the gate of a house in Vraagom Street.

September said he "inferred from the movements of (Abraham's) body that he had been shot" but that he was still trying to get over the gate, with difficulty, when "the policeman moved about two yards closer and fired again three times in the boy's direction".

Abraham "collapsed, holding on to the gate with his two hands. Then he let go of the gate and fell on to his back", September said.

When she arrived at the scene police would not let the boy's mother, Jannita Julies, see her son. Later she was taken in a police van to the Saldanha police station. The policeman driving held out a stone and said: "This is what caused your son's death."

Abraham Julies' back was riddled with small pellet wounds, which were concentrated between the shoulder blades, a private practitioner, who attended this week's post-mortem at the request of the family and who cannot be named for professional reasons, told the *Weekly Mail*.

The pellets had damaged both lungs and broken two ribs, one of which had punctured his left lung. Pellets were found in his chest cavity. A private pathologist is to conduct a second autopsy today.

A police unrest report on Monday mentioned Diazville but not that anyone had died. Later a representative for the police directorate of public relations said the report should have said "fatally wounded" when referring to a "slightly wounded coloured male".

In another shooting incident earlier that day 16-year-old Felicia Cloete was wounded in the face.

Cloete, who is in Tygerberg Hospital, was one of at least four other people injured. Two Sea Harvest workers, Rochelda Samuels, 18, and Gert and Marleen Cloete, were admitted to Vredenburg Hospital with pellet wounds in their legs. Samuels was discharged. She appeared in court yesterday and was released on bail.

Two others have so far appeared in the Vredenburg Magistrate's Court in connection with charges of public violence. Denis Arends, 17, was released into his parents' custody and Hermanus Mathews, 28, was released on R100 bail. Their case was postponed to September 24.

Residents said the detention on Sunday morning of 11 people, some of them students waiting for a bus to take them to a South African Youth Congress rally in Cape Town, led to burning barricades of tyres, mattresses and debris being erected.

But they said the tension had begun when Sea Harvest dismissed about 300 workers for failing to meet a 15-minute management deadline to return to work. The workers, who were later joined by the night-shift staff of about 300, had wanted a meeting with management to settle a long-running dispute over wage increases.

On Wednesday last week, police arrested 11 women at Diazville's civic hall, where the dismissed workers meet daily to collect food parcels donated by residents. The women were later released on R100 bail.

A Vraagom Street resident described how about 300 people came *toyi-toying* down the street about 5pm and began stoning the home of a police constable, breaking windows. He stormed out, brandishing a handgun and firing shots in the air. The crowd scattered.

On Sunday, in the wake of that morning's arrests, the barricades went up and a running battle ensued as police fired teargas and youths re-erected the dismantled barricades.

When Abraham Julies was shot, this came to an abrupt end.

Meanwhile, pupils at Diazville's high school are refusing to write exams until the Sea Harvest workers — parents of many of the children — are reinstated and their fellow classmates released from detention.

Cape Times 24/9/87 375 1882 1886 48 B223

Teargas at Diazville teenager's funeral

Staff Reporter

ABOUT 600 people attended the funeral yesterday of Diazville teenager Abraham Julies, who was shot dead by police in Saldanha 11 days ago

Abraham, 14, was shot as labour-related conflict escalated in the fishing town on Sunday September 13, after 280 Sea Harvest factory workers were sacked earlier in the week Several others were wounded and arrested in a day of violence in which burning tyre barricades were set up and several homes stoned

According to eyewitnesses, some teargas was fired at yesterday's funeral as mourners were leaving the graveyard after a police warning to disperse.

A spokeswoman for the West Coast Council of Churches said the township was cordoned off and only Diazville residents were allowed to attend the funeral.

Buses from other parts of the Western Cape were turned away at roadblocks.

The funeral, which began at the Julies home in Pluto Street at 2.30pm, proceeded to the Apostolic Faith Mission and ended at 5.45pm.

A spokesman for the Police Public Relations Directorate, Captain C J Marais, said last night that if such an incident had occurred it would appear in today's unrest report.

He said no interim reports on unrest were made unless they were "signficant".



JULIES FUNERAL . . . Diazville residents yesterday attended the funeral of 14-year-old Abraha was shot dead by police in Saldanha 11 days ago during labour-related conflict.

CAPE Times 28/9/87

Police Casspir led witdoek hordes to KTC, court hears

Supreme Court Reporter

WITDOEK hordes massed outside the Administration Board offices near KTC were spoken to by "a policeman called Barnard" minutes before they marched, behind a police Casspir, on the Zolani Centre, the Supreme Court heard yesterday.

Mr Elliot Samuel, preacher and caretaker of the KTC Methodist Church, was being cross-examined by counsel for the Minister of Law and Order, who is being sued for damages of R312 000 by the Methodist Church and 21 families who lost their homes when KTC was destroyed.

The Minister is being sued on the basis of an allegation that police played an active role in the destruction.

Mr Samuel said Barnard pulled up beside the witdoeke in a blue van, got out and spoke to them. As Barnard got back into the van, a yellow Casspir turned into NY5 and led the witdoeke down the road.

Barnard's van followed behind the witdoeke, he said.

Mr Samuel said he then went back to KTC and climbed on to the sand dune bordering the camp where many KTC residents were gathered. From there he saw the witdoeke coming down Zwelitsha Drive with "a Casspir leading them all the time".

He said he did not notice whether Barnard's van was still bringing up the rear at this stage.

He was challenged about this by counsel for the Minister, Mr G D Griessel SC, who said Mr Samuel had told the court in evidence-in-chief that he did see the van in Zwelitsha Drive.

Mr Samuel, who reprimanded the interpreter several times for mistranslating his words, said Mr Griessel was "mixing up what happened in NY5 with Zwelitsha Drive".

"My lord," said Mr Griessel to the Bench as 4pm approached, "we are about to burn the Zolani Centre. Would this be a convenient time?"

"Yes," the Bench said with a smile, and adjourned proceedings to 10am today.

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr Griessel appeared with Mr L Visser SC, Mr F D J Brand and Mr C Y Louw and was instructed by the State Attorney.

Appeal fails: Pupil to go to jail

By AYESHA ISMAIL

A BONTEHEUWEL high school pupil was told this week to report to Pollsmoor Prison within in 14 days to start a one-year sentence for public violence after his appeal failed.

Norman Scheepers, 20, was sentenced following a stone-throwing incident in Bonteheuwel last year.

He served five days of his sentence earlier this year but was released on bail pending the appeal.

Norman's mother, Mrs Martha Scheepers, said she her son would not "harm a fly"

"My children are worried and nervous about their brother going to jail. But I always tell them there is a Supreme Being who will guard over Norman.

"I will always remember the day Norman was arrested. He told me he was not feeling well and wanted to stay at home. I told him to take some pills and forced him to go to school," she said.

"Later I was informed that Norman had been detained. Maybe if he didn't go to school that day, he would not have had to go to jail now. But God knows best."

Mrs Scheepers said she was worried how her son would be treated in prison and whether he would be placed with common criminals.

"Norman was a happy and lively child who liked to sing and dance. Now he's quiet and withdrawn," she said.

Norman, very quiet during the interview, appeared stunned by the news. He said he had nothing to add as he did not want to go against the court's decision.

He said he had already written part of the September exam.

"But now that I've heard about my appeal, I've lost my will to study to complete the exams," he said.

Hundreds barred as Diazville mourns

DIAZVILLE buried a 14-year-old unrest victim in peace this week in spite of a heavy police presence and hundreds of mourners in buses being turned away from the Saldanha Bay township.

After the funeral, about 200 youths singing freedom songs marched on Diazville Primary where Abraham Julies - shot in the back at the height of recent unrest - had been a Std 4 pupil

Security force members arrived quickly after the youths advanced on a car said to belong to a security policeman.

Earlier, three bus-loads of angry mourners from Cape Town and Vredenburg were barred from entering Diazville.

"We have come to bury a human being and not a terrorist," some mourners shouted before boarding their buses again and leaving.

Abraham was shot in the back when, according to police, he ran away from a flaming barricade.

The unrest, in which Felicia Cloete, aged 15, was also shot, followed the sacking of 280 Sea Harvest strikers, a clash between SARU and Federation rugby supporters, the stoning of police vans and two policeman's home, and youth not being able to attend a vigil.

Anger as pupils end boycott

South
27
24-30/9/87

By CHRIS GUTUZA

VIOLENCE flared at the Diazville Secondary School in Saldanha Bay this week when the majority of pupils decided to continue with the September exams after a week-long boycott.

They had previously refused to write after three pupils were detained at the height of unrest in Diazville about two weeks ago that left a youth dead and several wounded.

The unrest at this West Coast town was sparked off by the dismissal of more than 500 Sea Harvest workers who had gone on strike three weeks ago.

According to a teacher the principal circulated letters last Friday saying that exams would continue this week. He said most of the pupils were prepared to write.

This week there was chaos at the school, however, when defiant pupils went on the rampage in an attempt to disrupt exams.

"Windows were broken and doors were forced open by pupils. Teachers had a rough time trying to keep them at bay. Some of my colleagues were attacked in the process," said the teacher.

A matric pupil was said to have torn up his papers because he could not concentrate while writing.

Other pupils completed their subjects while the rebel group toyi-toyi-ed outside classrooms.

On Tuesday the number of "rebel" pupils had decreased to about 30. They were surprised by parents who turned up at the school and chased them with dogs and sticks, according to a witness.

Constructive

The principal said he could not comment at this stage.

The SRC chairperson said last week that he had spoken at length to the principal "in an attempt to do something constructive". He could not be reached for comment this week because he was in hiding.

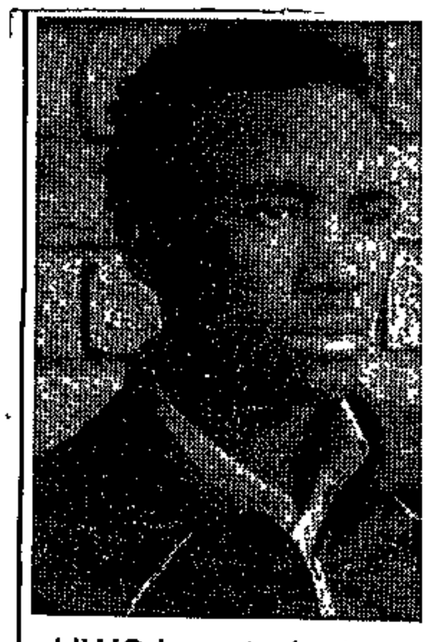
According to a teacher, the SRC called for pupils to restart the exams after discussions with the Food and Allied Workers Union (FAWU) which represents Sea Harvest workers.

"A delegation including pupils, teachers and school committee members discussed with FAWU how they could contribute to help the striking workers.

"The SRC went back to the pupils to request that the boycott be called off."

A FAWU spokesperson confirmed a delegation had talks with them.

A spokesperson for the school said the situation had returned to normal.



UWC law student Ndoyisele Tshunda

More violence in Worcester

24-30/9/87 South

THERE was a renewed outbreak of violence at Zwelethemba township near Worcester this week when so-called comrades were allegedly abducted and assaulted.

Three weeks ago an armed gang went on the rampage assaulting and abducting residents. The unrest was sparked off by tension between the "comrades" and a self-styled vigilante group.

A first-year UWC law student, Mr Ntoyisele Tshandu, 23, said he was sought by an armed gang at the weekend after he had an altercation with two men employed at a local beer hall.

Members of an armed gang also stormed the house of a 51-year-old woman on Saturday evening She asked not to be named because she feared reprisals.

"They accused me of allowing comrades to meet at my house to plot against them."

A spokesperson for the SAP Directorate of Public Relations in Pretoria said he could not confirm the weekend unrest except for what was reported in the unrest report of September 20.

275

The report stated that the house of a security force member was petrol-bombed but no arrests had been made.

Cape Times
1/10/87
575



Township barricade removed

Own Correspondent

PORT ELIZABETH. — A barbed-wire barricade cordoning off the New Brighton African township on the outskirts of Port Elizabeth since July 19 last year was lifted last month.

Police liaison officer Captain Peet Grobler said the barricade had been removed about a month ago.

Following the declaration of the state of emergency in June last year, the situation in the townships had quietened down to such an extent that the fence was no longer neccessary, he said.

There were no more roadblocks and no more wire, he added.

Following the erection of the fence, residents described Port Elizabeth's townships as being under a "state of siege" — with security forces maintaining patrols and roadblocks.

Strife in Mbekweni

By CHRIS GUTUZA

THERE is renewed tension among the residents of Mbekweni township near Paarl after a house and a kombi were set alight this week in what appears to be a politically-inspired attack.

The house of a slain Azanyu (Azanian National Youth Unity) member, Taelo Ntlaba, was petrol-bombed about 2am on Tuesday — the third time since his death.

Ntlaba and Vuyiswa Xhola, a member of the Paarl Youth Congress (Payco), a UDF-affiliate, were mysteriously shot dead in May this year.

Since 1985 there have been tension and numerous clashes between affiliated members of

Turn to page 3

ARCHIVED

Strife in Paarl

the UDF and Black Consciousness groupings in Mbekweni.

Taelo's mother, Mrs Rebecca Ntlaba, said she was woken on Tuesday morning when the telephone started ringing.

"When I reached the phone it stopped and I went back to bed. I then heard a crashing sound and saw the curtains engulfed in flames."

She said at the same time she heard her son shout that the house was on fire.

The family managed to put out the fire before it could spread.

She could not understand why anybody would want to harm her or her family. She did not belong to any political group.

However, residents said the house could have been attacked because an Azanian People's Organisation (Azapo) member, Mr George Bongo, had visited the house at the weekend.

Bongo denied that his presence at the Ntlaba house was the reason for the attack.

"I merely stopped outside the Ntlaba house to exchange a few words with Mrs Ntlaba. At no stage did I enter the house," he said.

Bongo said those who tried to link him with the incident were the same people who had forced him leave Mbekweni after burning and looting his house last year.

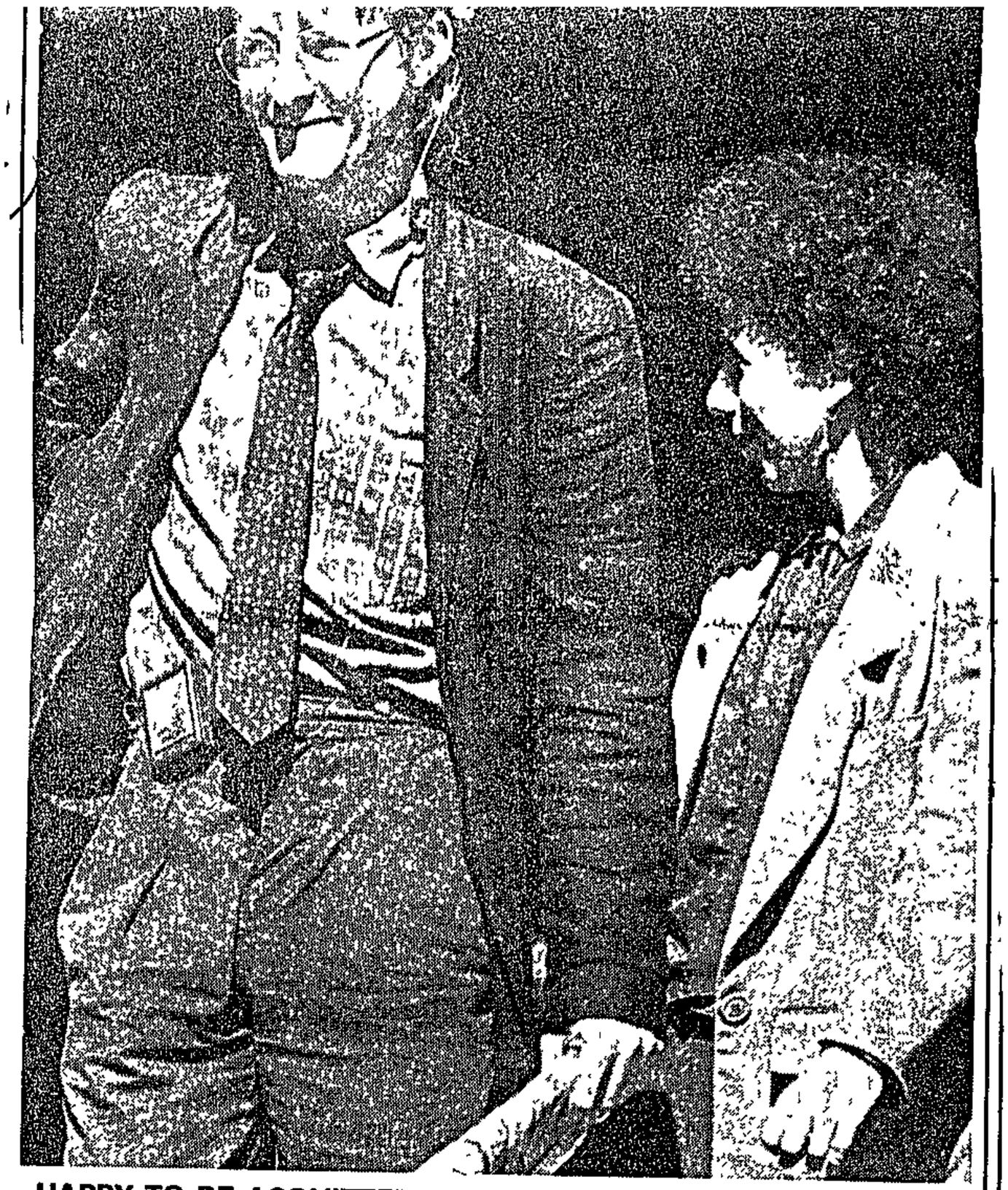
A Payco member said the organisation did not know who was responsible for the bombing.

Residents were not sure why the kombi of popular community businessman, Mr Max Kweleta, 33, was set alight.

Kweleta said it was the third time since last year that arsonists had attacked one of his vehicles.

The SAP Directorate of Public Relations in Pretoria referred inquiries to Wednesday's unrest report.

The report stated that a "private dwelling was damaged by arsonists and in another incident in the area a private vehicle was also damaged when it was set alight. No injuries were reported".



HAPPY TO BE ACQUITTED . . . Worldwide Television News cameraman Mr Craig Matthew with his attorney, Ms Andy Durbach, outside the Magistrate's Court after his acquittal yesterday.

Picture: ANNE LAING

Cameraman acquitted of obstructing cop

Court Reporter

WORLDWIDE Television News cameraman Mr Craig Matthew was yesterday acquitted in the Magistrate's Court on charges of resisting arrest and obstructing a policeman in the course of his duties at the funeral of Mr Ashley Kriel.

Mr Matthew, 29, of Camp Street, Gardens, pleaded not guilty.

Sergeant Ignatius Rademeyer said he had been present at the funeral of Mr Kriel to ensure that only 800 people attended and that no one carried cameras Mr Kriel was an alleged ANC guerilla who had been killed by police.

On July 18 at the Woltemade Cemetery, Kensington, he noticed three people running towards the grave.

He had stopped them and while he was questioning their actions, Mr Matthew interrupted him three times.

One of the men, Cape Times reporter Mr Andre Koopman, said he, together with a Cape Times photographer Mr Obed Zilwa and another photographer, Mr Abdurageem "Gimmie" Johnson, had entered the cemetery through another gate There was a large army and police presence, but they had not been stopped.

Sergeant Rademeyer stopped and searched them as they ran towards the grave. The three were told they were under arrest.

When Mr Koopman questioned this, Sergeant Rademeyer cocked his gun.

"He told us to walk in a straight line. We must have wavered because he said 'I only warn once', then cocked his shotgun again behind us. He led us to a wall. I called Craig and told him to contact the news desk and tell them we had been arrested."

Sgt Rademeyer had pushed Mr Matthew away and he left.

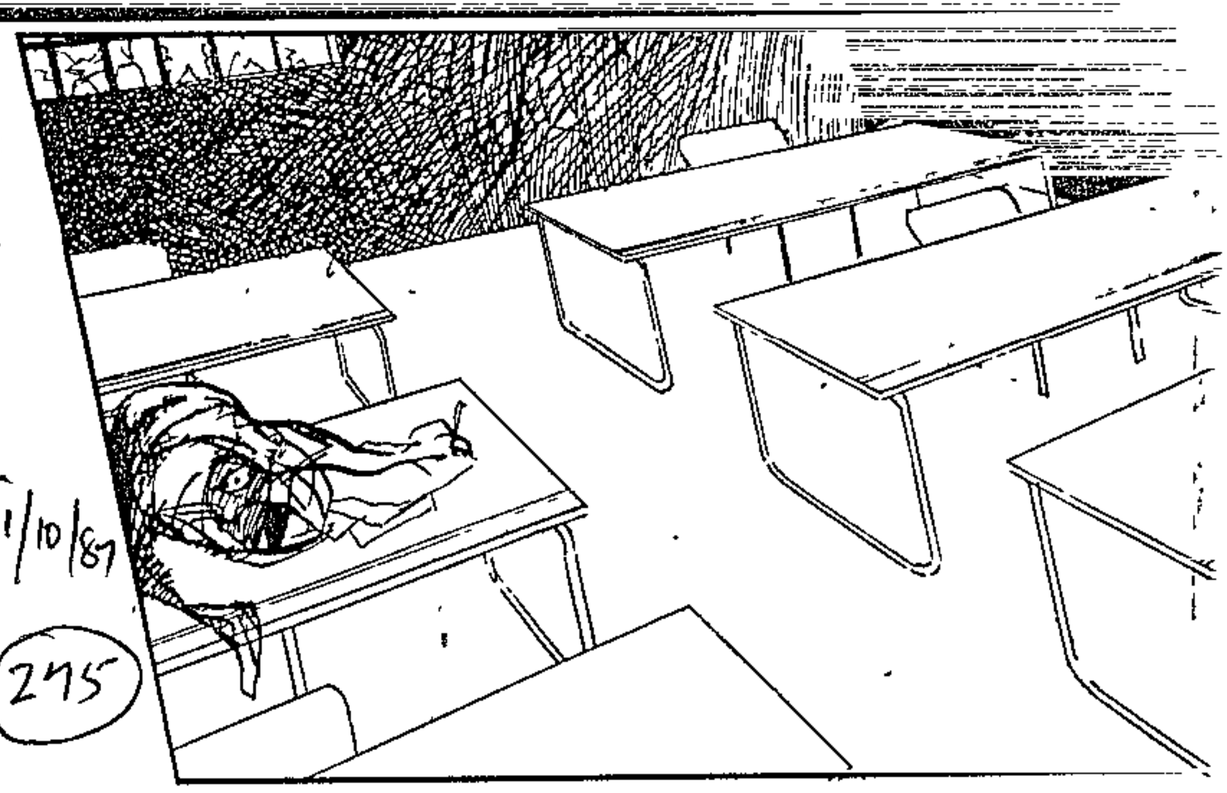
Mr Matthew said he had seen Sgt Rademeyewr retrieving some film canisters which had been thrown by one of the three to a passerby. Sgt Rademeyer had told him to mind his own business.

After the three were taken away, Sergeant Rademeyer approached Mr Matthew, and "grabbed my clothes saying I was under arrest. I asked him several times why, but he would not tell me".

The magistrate, Mr J W Z Havenga, said the interference was not serious. He said Mr Matthew had resisted arrest but was justified in doing so.

Mr J Slabbert prosecuted Mr P Gamble, instructed by Ms A Durbach, appeared for Mr Matthew.

BOOK EXTRACT



The new spirit was intoxicating. Then ...

CROSSING THE LINE: PART II

As the boycotts spread, there was a thrilling, liberating spirit. Then the American visitor's niggling doubts began to multiply.
The second in our series of extracts from William Finnegan's acclaimed book on life as a teacher at a Cape school during the 1980 boycotts

By WILLIAM FINNEGAN

THE Boycott remained the students' show It was curious that their great activation should have come in the form of a refusal, it was wonderful to see the energies that refusal liberated.

Student government — formerly a pallid bureaucratic exercise — was suddenly a vital reality.

Most of the meetings were held in camera, but the extent of grass-roots participation was obvious from the number of reports being delivered to classes-from delegates to various committes It was democracy in action, and full of pleasant surprises. I was struck, for instance, by the way 6A6 chose one of their least prepossessing classmates, a sickly, cozening boy named Myron, as their envoy to the schoolwide Students'. Representative Council It was not easy for a Standard Six student to follow all that was said at an SRC meeting, and some junior delegates apparently did not understand that they were expected to make a complete report back to their classmates. But Myron seemed to rise to the occassion, taking his responsibilities very seriously and doing a creditable job This, I thought, was a fine example, too, of the great and sane socialising process that went on at Grassy Park High, in which the least agreeable kids were almost instinctively drawn into the centre of the group for rehabilitation.

In the great cracks of free time provided by the boycott, and watered by the prevailing excitement, a guerrilla theatre bloomed Plays written and produced by students were performed in the classrooms, in the courtyard, and out on the playing field Broad humor at the expense of the authorities was a favorite theme, and certain students actors were in demand for their roaring, pantagruelian imitations of Security Police officers These buffoons, who saw "communists" behind every bush and schoolbook and lived to torment noble, quick-witted boycott leaders, were invariably destroyed by The People — a part usually taken by the audience itself

I learned a lot from watching these productions One play, for example, was about what would happen in downtown offices and factories on a "rainy Monday" — the local euphemism for a general strike The white bosses stumbled around helplessly, cursing the *hotnots* They could not even make themselves a cup of tea One obnoxious woman's misery seemed to be a source of special glee for the audience. I asked someone about her

"She's the Jewish lady," I was told

I was shocked Someone else explained that Jews owned most of the textile mills in which Grassy Park women worked Jewish women were often put in charge of factories owned by their husbands, I was told, and they had acquired terrible reputations in the black community as ignorant, tyrannical, and unfair bosses "They're even worse than *die boere*," my informant claimed Hence the cruel caricature I still didn't like the sound of the taunts thrown at the "Jewish lady", especially those thrown by some Muslim students, but the play was a smash hit which ran in various forms for weeks

Another popular book, put on by 6A6, depicted the travails of a boy from the *platteland* whose family had just moved to Cape Town His new classmates refused to sit beside him, claiming they could still smell the cow dung on his shoes He was thoroughly miserable Then he saved one of his classmates from a burning building, and other children came to see the error of their attitudes Although a peroration about the need for "solidarity of the oppressed" followed this drama, it was not the play's message *per se* that I found interesting, so much as the fact it was conceived and staged by 6A6, in a spirit of co-operation and creativity that I would never have imagined my poor register class could muster 6A6 seemed to have found, through the boycott, the solidarity it had so conspicuously lacked "All the [illegible] are proud to be in 6A6 now," Hester told me "The other classes ask to see our play"

Yet I noticed that Aubrey, who should by rights have been playing himself as the country kid, was not even in the play, but stood off the edge of the laughing audience, tight-lipped and ignored The depth of local prejudice against rural people was no fiction, and the healthy process that drew a Myron into the bosom of the group was clearly still not working for an Aubrey, despite the catalyst of a rising political consciousness

Student discussion groups thrived Times were generally not open to teachers, although I was sometimes drawn into groups that were meeting in my classroom One day, some girls were debating whether to demand the abolition of school uniforms As I had gone to schools that did not require uniforms, I was consulted I said I thought the abolition of uniforms might backfire, in that the children from more prosperous families would be able to wear a different outfit each day, while poorer kids would have to wear the same cheap clothes all the time, which might embarrass them This no

THE STUDENTS RETURNED TO CLASS. NOTHING HAD CHANGED. ALL THAT AGONY ...

IT bordered on being a guilty pleasure, what the Committee of 81 called "the so-called normalisation of classes" Like almost everyone else, I had grown weary of the boycott in May and June, though I had not felt entitled to say so It would be perverse to call the sensation *liberating*, but getting back to schoolwork at last, in the latter half of July, did relieve a great deal of generalised frustration among the Grassy Park faculty As one teacher put it, "Sitting on your thumb is exhausting, hey?" At the very least, it was nice to feel employed again

And the children, mindful of the amount of work they had missed, were suddenly intent upon their studies in a way I had not seen before Their resumption of schoolwork was only conditional, according to the Committee of 81, yet judging by the number of after-school study groups the children organised, it was also being conducted with an eye to the year-end examinations The Committee of 81's authority was not what it had been, in any case At the end of July, the Committee issued a call for another week of boycotting, to protest the continued detention of some of its members The call was ignored

"Staff-student relationships will never be the same again," one Cape Town educator had declared during the boycott "The established ideas of education will have been altered irrevocably"

As the third term got under way, life at Grassy Park High did not seem to bear out these predictions.

Some things were different. Dress standards remained relaxed. The students still wore uniforms, but the hand-me-down pastiche of blazers, jerseys, skirts, pinafores, and trousers they presented was decidely more casual than before. There were also fewer children in school Though we had lost no students in the mid-June violence, we had lost a number of kids to the local factories and textile mills Either their parents had become exasperated with the boycott and sent them to work, or they had succumbed themselves to the lure of the wage — despite the fact that it was less than a dollar an hour

Some Cape Flats schools had lost three hundred children. We had suffered many fewer casualties than that at Grassy Park High, and the silver lining on the dropout cloud was that we now had slightly less crowded classes

But "staff-student relationships" were almost

It seemed impossible that these were the same children who staged those subversive little morality plays a few weeks before. The SRC now confined itself to constabulary functions like disciplining students caught smoking in the lavatories ...

immediately, it seemed to me, much the same as they had been before the boycott In fact, if anything, they appeared to have regressed The matrics who had been effectively running the school for the past three months and who were now under the greatest pressure to catch up in their studies — the matriculation exams they were scheduled to take in November would be crucial to their futures — relinquished power *ipso facto* by plunging into their schoolwork The more dedicated teachers were also suddenly working very hard, trying to make up for lost time, so that progressive-minded refinements in classroom techniques were soon getting more lip service than implementation Who had time for discussion and debate when there was so much course material to cover?

Far more striking than these natural reduxes, however, was the way the school's authoritarians — Napolean, Africa and others — seeing their opportunity, thrust themselves into the post-boycott leadership vacuum These teachers now stalked the school grounds with canes in hand, daring anyone to dispute their regained territory It was the mission school all over again, I thought, minus its earlier charm "People showed their true colours during the boycott," one young colleague muttered to me "So there's no point pretending whose side they're on now"

The students as a group seemed dispirited All the noise and excitement, all the euphoria of power and new ideas, were gone now And what had the boycott got them, other than fewer classmates, more broken windows, and two months of work to make up? Only their most modest demands had been met Many of their leaders were still in jail Feelings of defeat were unavoidable

It seemed essential, therefore, to try to consolidate the boycott's gains in terms of student awareness and organisation Over the objections of students who claimed they were sick



"We were asking for freedom, and the reply was in bullets .."

of the whole subject, I designed my lessons with that end in mind (Since none of the classes I taught "exam subjects" faced the government exams this year, there was less panic and frantic studying among my students than among most others)

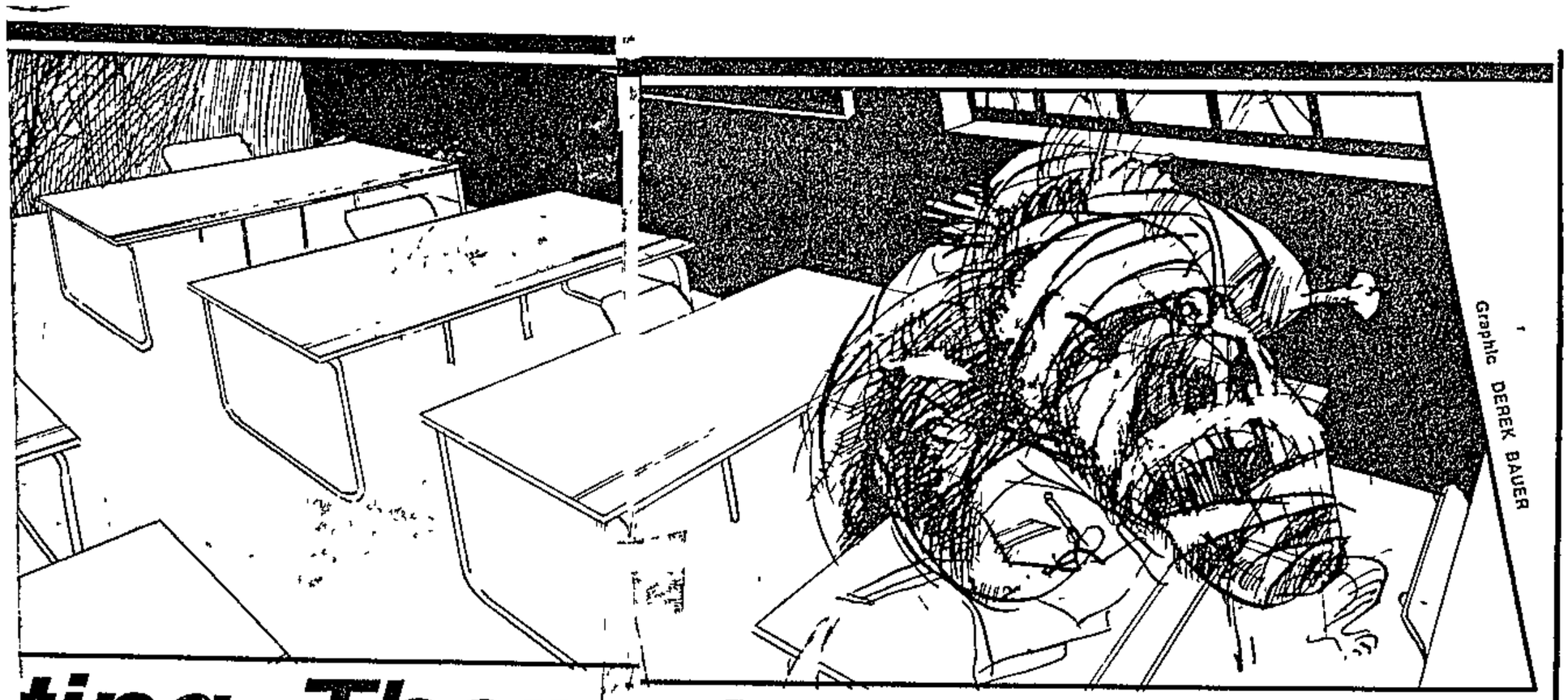
In the classes we discussed the conduct of the boycott — where it had succeeded, where it had not I urged the children to be self-critical Had the boycott lasted too long? Few students were willing to say so, but I suggested that it had Not because they had "made their point" — clearly, that needed to be done repeatedly until apartheid was destroyed — but because, if the boycott had been suspended while the students still possessed the unity and enthusiasm of its early weeks, then the possibility that they might resume boycotting at any time would have strengthened their bargaining position As it was, the return to class had ultimately been more the result of boredom and parental pressure than of any dynamic decision, and the threat to resume boycotting was now seen to be empty Both time and momentum had been lost. And what of the tactic that had separated their demands of short-term and long-term — had that been well advised? Or had it just allowed the goverment to make some classroom repairs and provide some books, and postpone addressing the larger issues, since those were framed as "long-term" Again, few students seemed willing to second-guess their leaders, which had scarcely survived the boycott as a class, was almost unnaturally quiet.

I asked my English classes to write letter to imaginary friends overseas describing events of the last few months in South Africa Some of the results were impressive, with a solid comprehension of what the boycott had been about, and of where things stood "We were asking for freedom, and the reply was in bullets," Shireen wrote "Now we must prepare ourselves for more struggle" But many of the letters turned in were appallingly One girl was mainly concerned that people overseas not think the children here in South Africa were always so unruly Another girl assured her reader that the students had not been seeking "freedom, not communism as we have in Zimbabwe" This sort of thing, after all they had been through, was pretty discouraging.

At times it seemed impossible that these were the same children who had staged those subversive little morality plays just a few weeks before, or had organised and run such an efficient, effective student government Nowadays, the SRC, whose leadership had devolved into new hands when the matrics left their post to begin studying for the exams, concerned itself mainly with constabulary functions, like disciplining students caught smoking in lavatories The new SRC's most memorable difference with the authorities was over the question of whether Muslim students should be excused early on Friday afternoons so that they could go to mosque.

In my classes I tried to counter student discouragement over the outcome of the boycott by pointing out some of its positive effects World opinion had been strongly affected, had it not? According to a June report from London, "Criticism of South Africa's policies in the Western European press has been increasing steadily since the start of the boycotts. More immediately and more importantly, civic associations throughout South Africa have been galvanised into political action on a broad range of local issues

But my efforts to maintain a positive,



Graphic DEREK BAUER

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Then the acclaimed boycotts

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I seemed to be the only person in Grassy Park who regarded voting as the ideal way to weigh issues and make decisions It was, after a certain amount of debate, my answer to nearly every tactical question "Come on, let's vote on it" Sometimes students would try to oblige me But if two-thirds voted one way, they would invariably raise their fists and intimidate the other one-third into voting the same way. No amount of my explaining the sacred principles of direct democracy could dissuade them from this behaviour The principle involved, I was told, was simply the protection of their "unity" At the time, I wrote off this attitude to the lifelong conditioning of an anti-democratic society like South Africa's Later, I started to see how, under the boycott circumstances, "consensual" decision making might actually have its advantages over the opinion poll model I had brought with me intact "all the way from California" In the face of their overwhelmingly powerful foe, a high degree of "unity" was indeed a *sine qua non* among the striking students

That unity was represented throughout the Cape Peninsula by the Committee of 81. The Committee's membership was perforce anonymous, though it was well known that our school's representative was a small, quiet matric named Elliot. Elliot seemed a curious choice for the job, as he was not among the natural leaders in class, until one realized that that was precisely his qualification.

Charismatic students like Clive were already drawing enough goverment attention to themselves They did not need any more. The Committee of 81's deliberations were a subject of terrible interest not only to the tens of thousands of students they directly concerned, but also to the press and to the goverment — particularly to the Security Police Remarkably, the Committee managed to continue functioning effectively through the first several weeks of boycott.

"We learned our lessons in 1976," one member of the Grassy Park High SRC told me "That was an unco-ordinated revolt Now we take every precaution we can to avoid bloodshed and arrests, especially the arrest of our leaders The Special Branch tries to infiltrate every group that opposes the goverment, and learn their plans and tactics Well, we have studied the goverment's methods and learned their tactics."

I got a glimpse of the resultant countertactics one evening during the first week of the boycott, while giving Clive a lift to a meeting. He was very mysterious about our destination and kept an eye on the rearview mirror Suddenly, he told me to pull over, jumped out of the car, yelled "Thanks", jumped in another car going in the opposite direction, and was gone.

NGED. ALL THAT AGONY ...



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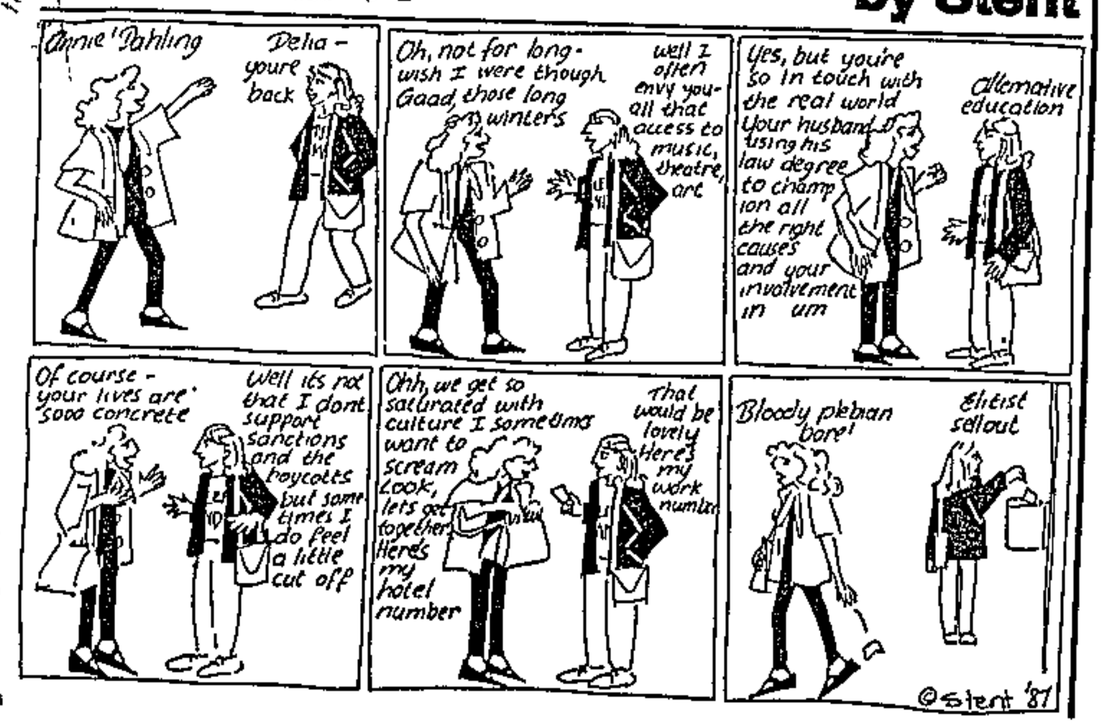
But my efforts to maintain a positive, critical perspective in classroom discussions on the issues raised by the boycott continued to yield little Was I particularly interested in what my students thought and felt about the mid-June uprising? Then they were particularly reluctant to talk about it A few condemned the violence against black businesses, but most took the position that there was nothing to say *Die boere* had all the guns It was suicidal to attack them with stones Yet people were so angry, they did so anyway A goverment classroom was not the place to discuss such things, in any case

Only the continued detention of Elliot and Jacob seemd to rouse the children's interest in the struggle these days, and even the detainee's plight seemed to be the source of more worry than anger Prayer meetings were held, and a girl in 6A7 gave me a turn by writing in an essay that she "prayed every night to God to let the goverment release Elliot and the others soon" No-one made any jokes about torture these days, I noticed But neither were people lining up to denounce the cruelty and immorality of detention without charges Perhaps the futility of such reproaches had been the boycott's most powerful lesson for our students

● **CROSSING THE LINE**, published by Harper and Row, will be available this month in South African bookstores

NEXT WEEK: South African-born journalist David Beresford was assigned to Ireland during the famous 'fast-to-the-death' prison hunger strikes Beresford reconstructed the extraordinary events from letters smuggled from prison His best-selling book, **TEN MEN DEAD**, will be available in South Africa shortly

WHO'S LEFT? by Stent



Cape Times 11/10/87

Advocates to take evidence in London

By SHAUNA WESTCOTT
Supreme Court Reporter

TWO advocates who have been refused passports for a combined total of 19 years now have passports valid for six months to take evidence on commission from a witness in London.

The two — Mr Dullah Omar and Mr Paul Pretorius — are appearing with Mr Sam Aaron SC for the Methodist Church and 21 families who are suing the Minister of Law and Order for damages of R312 000 following the destruction of most of KTC squatter camp in June last year.

The suit — on which the outcome of 3 198 similar suits involving damages claims of over R5 million may depend — is being brought on the basis of an allegation that police played an active role in the destruction

Mr Omar's passport was withdrawn in June 1982, two days before he was to fly to Britain with his family to take up a one-year grant for study at the London School of Economics. No reasons were given.

In 1983 he was awarded a scholarship to Harvard University in the United States but was denied a passport.

Subsequent applications for a passport have been refused till now.

Mr Pretorius, a former Nusas president, had his passport withdrawn in 1970. Subsequent applications were refused for 14 years till 1984 when he was granted a passport valid for one year to take up a US government travel bursary.

Both men have been victims of other government measures Mr Pretorius was banned for five years in 1972 Mr Omar was held in solitary confinement for about 40 days in 1985

He was released for some three weeks before being detained again for seven weeks

The two men leave for London today to take evidence on commission from photographer Mr Dave Hartman, a conscientious objector who went into exile to avoid being jailed for refusing to do six years' service with a government department — the required alternative to conscription into the SADF

The Minister of Law and Order's defence team — two senior counsel, two junior counsel and an attorney from the State Attorney's office — accompanied by an unidentified police officer, left for London yesterday afternoon

The trial resumes in Cape Town on October 19.

Mr Justice M R de Kock presided Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister

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METROPOLITAN

UCT stone-throwing 'prompted by anger'

Court Reporter

ANDREW Brown, a University of Cape Town final-year law student who threw stones at police in April was prompted by the cumulative effects of his own detention, police harassment and anger at police action on campus, Wynberg Regional Court has been told.

Evidence was being led in mitigation of sentence for Brown, who said he threw stones at police on campus on Friday, April 24 He also said he threw a stone at a police van on De Waal Drive.

He was found guilty on two counts of public violence and the hearing was postponed to November 16 for a Nicro report.

The magistrate, Mr A S McCarthy, told Brown "It's not as if you threw a stone in an isolated incident. You committed an offence on Friday and then again on Monday."

Mr McCarthy said the offence struck at society as a whole. Drivers on De Waal Drive were endangered until the road was closed and then people could not drive there at all.

"Public violence has been described as an expensive occupation which society cannot tolerate."

Brown said that on the Friday when he saw police sjambokking students on campus after a peaceful picket protest, he threw a few stones at them in anger and frustration.

On the following Monday, when he saw police arrest two students and take two others away, the cumulative effects of his own experiences at the hands of the police and anger at police action on campus made him "very angry indeed" and he momentarily lost control

He said he had previously been arrested for putting up posters and being in a prohibited area. He had been assaulted and detained in police cells four times without trial. Once he paid a R75 admission-of-guilt fine for attending an illegal gathering.

In 1985, at the age of 19, he was detained for two weeks and kept in solitary confinement with only a Bible to read and without recourse to a lawyer, doctor or his parents, except for one visit by his mother. He was then released without being charged.

"I found my treatment particularly abusive and aggressive and totally unnecessary."

Brown said the stones he threw would not have hit members of the public or cars on De Waal Drive.

"Very sorry"

He was "very sorry" now for what he had done.

Claudia Regnardt, a vice-principal at Westerford High School and Brown's teacher for the final three years of school, testified that Brown was an exceptionally intelligent pupil as well as a sensitive, compassionate person.

Miss Regnardt said Brown achieved an A aggregate for matric and his English essay was judged by external examiners to be the best in the country

She had maintained close contact with Brown and others in the 1984 matric class All had near-genius IQ ratings.

She knew Brown as a person who always maintained a balanced perspective in spite of his strong political views and she found his actions in throwing stones "completely uncharacteristic".

Dr Ramsay Karelse, psychiatrist, said that after being released from detention Brown had therapy for post-traumatic depression and insomnia as well as other problems

"Although it's uncharacteristic for him to be violent, I can understand why he did this thing.

"His sense of commitment and dedication to political involvement was so great I was worried about his health."

From listening to evidence before court he concluded that Brown's action in throwing stones at police was a sign of spontaneous anger which was not confined to students but shared by academics.

Mr P Mostert appeared for the State Brown was represented by Mr John Whitehead, instructed by Ms Andy Durbach.

Three to hang for necklace killing of woman, daughters

The Argus Correspondent

EAST LONDON. — Three men have each been sentenced to death three times over by the Supreme Court in Grahamstown for the necklace murder of a woman and her two daughters in Kubusie Township, Stutterheim.

Mxolisi Malgas, 38, Michael Mambukwe, 28, and Lulamile Maneli, 27, were sentenced to be hanged after they were found guilty of three counts of murder with no extenuating circumstances.

THREE YOUTHS

They were also sentenced to 18 months in jail for arson.

Mr Justice Beckley, sitting with two assessors, found there were extenuating circumstances with regard to seven other accused, three of whom are youths, who were also convicted on all four counts.

They were given prison sentences varying from 10 to 14 years.

The 10 were among 16 people charged with the necklace murder in December 1985 of Mrs Nobanzi Yaze and her two daughters, Miss Nonceba Yaze, 32, and Miss Nosisi Yaze, 40.

The 16 were also charged with setting fire to Mrs Yaze's home, resulting in damage of R1 300.

Six of the 16 were acquitted on all four counts.

with Administration and Broadcasting Services:

(1) Whether there are any salary and/or benefit disparities in respect of men and women in the Public Service; if so, (a) in what spheres and (b) what is the extent of the disparities in each sphere,

(2) whether he (a) has taken and/or (b) intends taking any steps to eliminate such disparities, if not, why not; if so, what steps in each case;

(3) whether he will make a statement on the matter?

The MINISTER OF NATIONAL EDUCATION (for the Minister in the State President's Office entrusted with Administration and Broadcasting Services):

(1) No

(a) Falls away

(b) Falls away

(2) (a) Falls away

(b) Falls away

(3) Falls away

Mr R M BURROWS Mr Speaker, arising from the reply given by the hon the Minister, I should like to know from him whether he is aware of the salary disparity between men and women at post level one in the teaching profession If so, does he not concede that the reply he has just given is therefore an inaccurate reply?

The MINISTER. Mr Speaker, the hon member for Pinetown, as chief spokesman of his party on National Education, should know that teachers are not regarded as officials or public servants. [Interjections]

Mr SPEAKER: Order!

Goverment Service Pension Fund

*24 Mr R M BURROWS asked the Minister of National Health and Population Development:

(1) Whether he has amended or intends amending the formula for the buying back of previous non-service in the Government Service Pension Fund, if not, why not, if so, (a) in what manner has he amended or does he intend amending the formula and (b) as from what date does the amendment take effect,

(2) whether he has had consultations with any organisations on the above matter, if so, with what organisations,

(3) whether any applications to buy back non-service were received between the date of the announcement of the proposed amendment of the formula and its actual commencement, if so, (a) how many and (b) which formula was applied to such applications;

(4) whether the change in formula will have a cost-saving effect for the State; if not, why not, if so, (a) what assessed saving will be generated and (b) in respect of what period will this saving be generated;

(5) whether he will make a statement on the matter?

†The DEPUTY MINISTER OF NATIONAL HEALTH

(1) Yes

(a) To ensure that the Fund is fully compensated by the member for the benefits accruing from the added service bought.

(b) 21 September 1987.

(2) No, only the consulting actuary and the Ministers concerned were consulted.

(3) Yes.

(a) 2 142.

(b) The formula applicable at that time.

(4) No; because the detrimental effect of the previous formula was borne by the Fund and not by the State.

(a) Falls away.

(b) Falls away.

(5) No.

HoA

Saldanha: Abraham Julies shot/killed

*25. Mr J VAN ECK asked the Minister of Law and Order:

(1) Whether a person was shot and killed in the course of action taken by the South African Police during incidents of unrest in Saldanha on 13 September 1987; if so, (a) where in Saldanha, (b) what were the circumstances surrounding his death and (c) what was the (i) name and (ii) age of this person;

(2) whether the mother of the deceased was allowed to (a) go to her son immediately after the shooting and (b) travel with him in the ambulance, if not, why not, in each case,

(3) whether an inquiry has been instituted into these incidents, if not, why not, if so, what are the relevant particulars,

(4) whether any persons were injured during these incidents, if so, (a) how many, (b) by whom, (c) what are their names and (d) what was the nature of their injuries,

(5) whether any persons have been (a) arrested and (b) detained as a result of these insidents, if so, (i) what are their names and (ii) in terms of what statutory provisions?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) and (b) The circumstances regarding the death of the person are at present the subject of a judicial process, the findings of which I do not wish to anticipate.

In order to provide greater clarity, I am, however, prepared to say that provisional information indicates that the deceased was with a group of persons who were setting alight road barricades. They threw stones at members of the South African Police when they were confronted. The Police consequently fired on them with bird-shot and 9 mm ammunition.

(c) Abraham Julies.

(d) 14 years

(2) (a) and (b) The mother of the deceased was not at the scene at the time of the shooting incident So not as to delay the ambulance which transported the deceased to the hospital, the Police immediately went to search for the mother of the deceased and took her directly to the hospital

(3) Yes I am, however, not prepared to furnish further information, because the circumstances in respect of the death of the person are the subject of a judicial process, which I do not wish to anticipate

(4) Yes

(a) 5 persons

(b) The South African Police

(c) and (d) During the Police action these persons received bird-shot wounds mainly in their legs It is, however, not in the interest of the public or the interest of the persons to furnish their names

(5) (a) Yes

(b) Yes

(i) It is not in the interest of the public or the interest of the persons to furnish their names

(ii) Fourteen persons were charged with Public Violence and one person with Assault.

Saldanha: unrest on 12/13 September

*26. Mr J VAN ECK asked the Minister of Law and Order:

Whether, during the course of incidents of unrest in Saldanha on 12 and 13 September 1987, the South African Police received any requests for assistance from any persons, organisations or companies, if so, (a) from whom, (b) (i) when and (ii) in what manner were the requests made and (c) what was the (i) nature of the requests and (ii) response of the Police thereto?

HoA

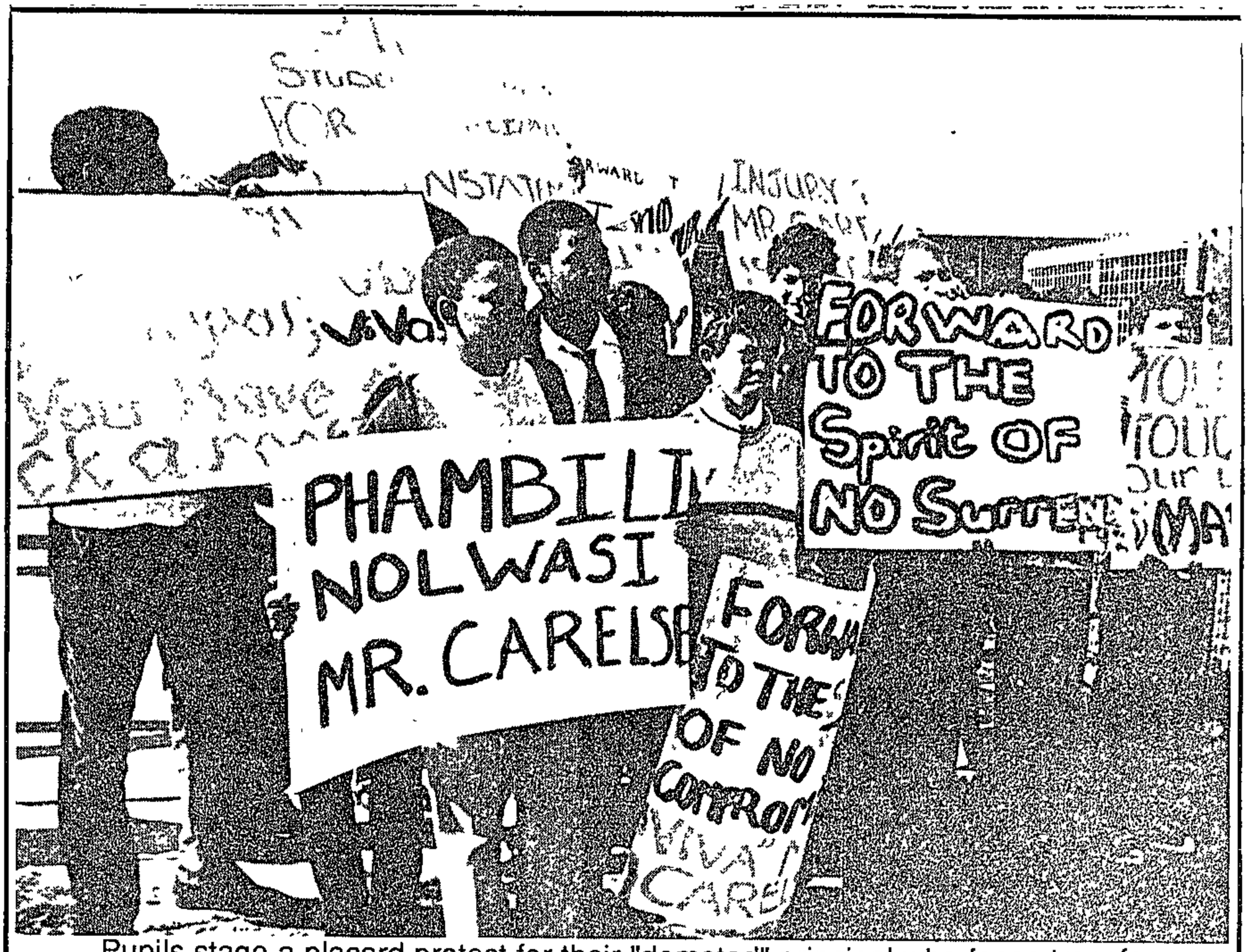
Pupils protest at demotion, transfer of school principal

Mitchell's Plain Bureau

ABOUT 700 pupils from Glendale High School demonstrated in the Mitchell's Plain town centre against the transfer and demotion of their principal, Mr Peter Carelse.

The pupils marched from their school in Rocklands to the town centre, waving banners and chanting slogans.

The demonstration was broken up in the forecourt of the town centre in front of the offices of the Department of Education and Culture.



Pupils stage a placard protest for their "demoted" principal who faces transfer

Protests after principal demoted

CLASSES were suspended at Glendale High School, Mitchells Plain this week as teachers and pupils protested against the demotion and transfer of their principal, Mr Peter Carelse.

About 700 pupils and teachers marched to the Mitchells Plain offices of the Department of Education and Culture (House of Representatives) on Wednesday, a day after the entire teaching staff of 53 had delivered a protest letter, calling for the action against Carelse to be withdrawn.

At the time of going to press, the police had not yet responded to telex queries about actions they took in front of the department's offices at the Mitchells Plain Town Centre on Wednesday.

Carelse was informed at the end of last term that he would be demoted to vice-principal of a primary school from next January. He is planning legal action to have his demotion set aside.

The school's SRC and teachers have launched a support campaign and a petition calling for Carelse to be allowed to stay on is being circulated in the area.

A parents meeting has been called for later this week and prominent religious and community leaders have been asked for support.

The National Education Crisis Committee (Western Cape) warned that the action against Carelse could hamper academic progress at schools.

Break up

Carelse, 49, principal since Glendale opened five years ago, said he feared the action may break up his family. He had not been told where he would be transferred but "it can be anywhere in South Africa".

"My biggest fear is that I will be sent to some remote rural area and will have to leave my family behind in Cape Town. I cannot expect my daughters to give up their jobs to go with me," he said.

Carelse, a teacher for 28 years, said he was informed of the department's decision on the last day of last term "An official brought me a letter in which they claim that my work and actions as principal had not been satisfactory.

"They said I would be on probation at Glendale until the end of the year when I would be demoted to vice-principal at a primary school from January.

"I will also have to take a big cut in salary They said they would inform me in due course to which school I would be sent

"I did not tell anyone about the letter immediately because I did not want to spoil their September holidays. But somehow word leaked out and many people called at my house to pledge their support."

Carelse believed the action taken against him was because of his school's support for a community call to stay away on May 6, the day of the white elections.

When the first of 73 teachers appeared on July 20 on misconduct charges for refusing to administer the 1985 final examinations, Glendale's teachers went to the department's Wynberg offices to show support

Carelse was called to a meeting by department officials in July and warned he would be disciplined.

Very upset

"I am very upset and angry over the way we as professionals are being treated. This issue raises questions about the nature of my appointment. I was on probation for five years after I opened the school in 1983

"I do not consider myself guilty of anything worthy of this kind of action by the department. They will have to take responsibility for any upheavals or disruptions which their action may cause."

Reputation of Shawco enhanced despite conflict in Crossroads

By DENNIS CRUYWAGEN
Education Reporter

THE Crossroads conflict two years ago brought misery to thousands of squatters — but it also enhanced the reputation of the Students' Health and Welfare Centre Organisation (Shawco).

At the time, Shawco was viewed with suspicion by some community organisations.

"Some of the progressive organisations saw us as a reactionary group," said Miss Bev Wrighton, Shawco's education and welfare director.

Then the fighting erupted between the "witdoeke" and the "comrades" in Crossroads and Shawco gave humanitarian aid and medical assistance to those who suffered in the conflict.



Miss Bev Wrighton

Today the organisation is reaping the fruits of its labours.

"We have enhanced our credibility and the progressive organisations have opened the doors to us to see if Shawco has a role to play in the townships," said Miss Wrighton.

Priority has been given to building a R200 000 multi-community centre in Khayelithsa next year.

Plans for a similar building in Greater Nyanga still have to be passed.

Shawco is a non-profit organisation which raises funds mostly from the University of Cape Town (UCT) annual rag. The event yielded a record R679 000 last year — but Shawco needs more funds urgently.

Today's Shawco is a far cry from the organsisation started by UCT students 43 years ago.

Miss Wrighton said: "The organisation has changed enormously. We have realised we are accountable to the communities we work with. They are not ours and know far better what their needs are.

"In the past Shawco would see a need in a community and supply it. Now we are approached by community organisations about what they feel is the need."

She said white students had acquired skills and resources through their privileged positions in society.

Responsibility

"We have the responsibility to pass these on to the people who have been deprived of the chance to acquire them."

Working in deprived communities had educated many young students who had not experienced the harsh realities of apartheid at close range.

Her involvement with Shawco means that she hardly had a spare minute.

"Our time is not our own. People come to us with requests and emergencies we can't plan for.

"We can't work out a schedule for our academic work and hope that we have sympathetic lecturers. But education is not all about academic excellence."

Working at Crossroads at the height of the faction fighting had been demanding. Workers went without sleep for days on end.

Warned to leave

"Sometimes teargas cannisters were lobbed into our mobile clinic. We were horrified when we saw shacks burnt down."

More than once Shawco workers were warned to leave Crossroads for their own safety. They were also stopped at roadblocks.

"We saw ourselves as part of the broader community and refused to leave The whole experience drew us closer together and fortified our commitment."

CAPE Times 8/10/87

Police disperse pupils' demo


Mr Peter Carelse

Education Reporter

POLICE yesterday dispersed about 800 Mitchells Plain pupils who staged a placard demonstration outside the regional offices of the Department of Education and Culture (House of Representatives) in protest against their acting principal's demotion.

A police spokesman for the Western Cape, Lieutenant Attie Laubscher, said an 18-year-old Glendale Senior Secondary School pupil was detained under the emergency regulations during the incident.

Glendale pupils, who had marched from the school singing and holding placards, staged a protest in front of the DEC offices in the town centre and then scattered when the police arrived on the scene.

A delegation of pupils who went to speak to the chief inspector of the DEC about the demotion and transfer of Mr Peter Carelse, rushed out of the building while pupils were scattering

On Tuesday the school's staff of 53 marched to the same office to demand the "unconditional withdrawal of the transfer, demotion or any other action against the principal"

The Glendale Students' Representative Council said in a statement yesterday that the students wanted Mr Carelse to be recognized as the permanent principal of the school, that the DEC stop harassing Western Cape Teachers' Union members and students, and that all security guards be removed from schools

In a statement yesterday, the staff said they saw the action against Mr Carelse as a form of victimization, as he had "consistently worked to promote democratic educational principles and values".

DEC spokesman Mr Thinus Dempsey confirmed that a group of four or five pupils held discussions with the DEC chief inspector, but they left hurriedly when they became aware that pupils outside the building were being dispersed.

He said the DEC saw no reason to review the decision taken regarding Mr Carelse's transfer

Support for demoted school head

By LINDA GALLOWAY,
Mitchell's Plain Bureau

MORE than 1 000 people — parents, teachers and pupils of Glendale Senior Secondary School and supporters — have vowed to fight for the reinstatement of the acting principal, Mr Peter Carelse, who has been demoted and transferred.

They gave Mr Carelse a standing ovation at a meeting last night called in response to a decision by the Department of Education and Culture to appoint him deputy principal of an as yet unnamed primary school.

Mr Carelse — who has been acting head of the school since its founding in 1983 — told the gathering he would not "beg the department for my job. That would mean I acknowledge that I have done something wrong, which I have not".

Support pledge

Speakers from the staff, the Student Representative Council, the Mitchell's Plain Students' Congress, the Western Cape Teachers' Union and the National Education Crisis Committee pledged their support for Mr Carelse.

A senior Glendale teacher told the meeting that the pupils were academically prepared to write their final examinations in three weeks' time and were keen to do so, but could not write with the shadow of Mr Carelse's transfer over their heads.

"This is a crisis, but not one for which Mr Carelse, the teachers or students are responsible," he said.

A number of speakers spoke of Mr Carelse's dedication to the school and its pupils and said he was admired and respected in teaching circles.

The school had a record of high academic and sporting achievement and it had always been Mr Carelse's ideal to broaden the education of his pupils beyond pure academic learning.

Speakers demanded a detailed explanation from the department for the action taken against him, saying that the reasons given — that he had not proved himself and that his work was unsatisfactory — were not good enough.

Although the school fell under the Department of Education and Culture it was "owned" by the community which paid for its children's schooling and only the community could decide if Mr Carelse's work was unsatisfactory.

They emphasised that the "attack" on Mr Carelse should not be seen personally but in the light of an "onslaught on the teaching profession" and if they did not fight for his reinstatement it would open the way for action against other teachers and principals

● About 700 pupils and teachers from Glendale who marched to the department's offices at the Mitchell's Plain town centre on Wednesday were dispersed by police.

Demotion of school head: 1 500 in protest

By LINDA GALLOWAY
Mitchell's Plain Bureau

ABOUT 1 500 people gathered in the Mitchell's Plain town centre today to protest against the demotion and transfer of Glendale Secondary School's acting-principal, Mr Peter Carelse.

Entrances to the centre were sealed off and people were turned away.

Archbishop Desmond Tutu stood with the crowd and said he had come to give his support.

He said the people were "trying to stand for basic rights" in what was "clearly the victimisation of someone who is standing for his educational principles".

"Our church stands behind your efforts, which are peaceful," he said.

Archbishop Tutu said he hoped the authorities would be "sensible and retreat gracefully".

A delegation of teachers and representatives of the Western Cape Teachers' Union (Wectu) visited the offices of the Department of Education and Culture in the centre and handed officials a list of demands, including the permanent reinstatement of Mr Carelse.

The chairman of Wectu, Mr Yusuf Gabru, told the crowd they had asked for the department's reply by Wednesday.

The crowd then left the centre to regroup at the Portlands Anglican Church.

● 1 000 vow support for demoted school head, page 3.

CAPE TIMES

M Plain pupils stone cars after march

Staff Reporter

PUPILS of various schools in Mitchells Plain stoned cars in Merrydale Avenue, Portlands, yesterday after a morning of marching and protest.

The stoning took place after pupils were turned away from Mondale Senior Secondary School where they had intended holding a rally to celebrate a march of about 1 500 — headed by a group including the Archbishop of Cape Town, the Most Rev Desmond Tutu — on the regional offices of the Department of Education and Culture (House of Representatives)

The march and placard demonstration, to protest against the demotion of Glendale Senior Secondary School's acting principal Mr Peter Carelse, was the second action by pupils at the DEC offices this week.

Earlier this week, about 800 Glendale pupils protested at the offices after a delegation of 53 of the school's staff marched on the same office on Tuesday to demand reversal of the action against Mr Carelse.

Report-back

Yesterday, the demand was handed over again to inspectors at the DEC offices by a delegation of teachers and Western Cape Teachers' Union representatives.

According to a Glendale staff member, the delegation was told by inspectors that DEC personnel were not involved in the Carelse decision and the delegations would have to "take the matter to higher authorities".

Later a report-back meeting was held in a nearby church hall.

Wectu chairman Mr Yusuf Gabru said the delegation had asked for the DEC's reply on the matter by Wednesday.

Thereafter, pupils tried to gather at Mondale Senior Secondary School, and were prevented from doing so. Cars were stoned.

Captain Jan Calitz, Western Cape police liaison officer, declined to comment on police action — citing unrest and referring the Cape Times to the SAP's public relations division.

A police spokesman in Pretoria said he could not comment on the matter, which "would probably be in our unrest report" today.

78 black local bodies functioning

Political Staff

ONLY nine black local authorities in the Cape, eight of them in the Eastern Cape, were not functioning because of the unrest, the Administrator of the province, Mr Gene Louw, said yesterday.

At the beginning of the year 23 black local authorities had stopped functioning owing to conditions of unrest, but today this figure had dropped to nine.

Mr Louw, addressing the congress of the Law Society of the Cape of Good Hope at the Wild Coast Casino in Transkei, said this meant that "78 of the 87 black local authorities are functioning".

The establishment of black local authorities was the most responsible of all the tasks that had been entrusted to the province "for the measure of our success in carrying it out will determine the degree of peace and order in communities.

"My officials have been instructed to do their utmost to make this action succeed.

"In an action of such a responsible nature, we cannot allow any bottlenecks to exist.

"Naturally, we have no control over political activism and logjams, of which there are quite a few.

"I am aware of one case where the majority of councillors of a very big local authority lost their jobs because political activists threatened their employers with boycott actions unless they fired councillors.

"Nevertheless, we are experiencing increasing goodwill among more and more black communities and local authorities, which are willing to co-operate."

Mr Louw also said there were more than 600 local authorities for the black, brown and white communities in the Cape.

Argus 13/10/87

275

Five fined for for attending illegal UCT gathering

Staff Reporter

FOUR University of Cape Town students and an umemployed man were each fined R50 in Wynberg Regional Court today for attending an illegal gathering on the campus in April

Claus Karl Preisen, 33, of Brabayou Court, Vredehoek, Shaun Field, 26, of Arnold Street, Observatory, Andrew Murray Wheeldon, 22, of Windower Road, Claremont, Ephraim Jane, 22, of Driekoppen residence, and Mohammed Obarey, 22, of Shanti Crescent, Gatesville, all pleaded guilty.

The magistrate, Mr A S McCarthy, said the court had taken into account the personal circumstances of each of the accused.

Mr McCarthy said the court believed a nominal fine would suffice.

The five admitted in a joint statement handed to the court that they attended a meeting on UCT property next to De Waal Drive on April 28.

They said the meeting was a peaceful, non-violent gathering of several hundred students picketing in protest against "the provocative and violent actions committed by members of the South African Police against students at UCT on April 24 and 27".

REMORSE

Mr John Whitehead, for Preisen, Field, Wheeldon and Jane, said in mitigation that his clients were first offenders and their plea of guilty indicated remorse.

Mr Neville Cohen, for Obarey, said his client was unemployed and living with his parents.

He was not a registered UCT student and "circumstances got him involved in this unfortunate situation".

He said Obarey was "aware of the seriousness of the offence and would be forwarned of the consequences"

Mr P Mostert prosecuted Mr Whitehead was instructed by Ms Andy Durbach of Bernardt, Vukic and Potash

UCT students fined for picket

Court Reporter

FOUR UCT students and an unemployed man were each fined R50 (or 25 days) in the Wynberg Regional Court yesterday for attending an illegal gathering in protest against "provocative and violent action" by police on the campus.

Claus Karl Preisen, 33, of Vredehoek; Shaun Field, 26, of Observatory; Ephraim Jane, 23, Drie Koppen Residence; Andrew Murray Wheeldon, 22, of Claremont; and Mahmoud Obary, 23, of Athlone all pleaded guilty.

In a joint statement handed to the court they said that on April 28 they attended a peaceful, non-violent gathering of several hundred students who were picketing in protest against the "provocative and violent actions" committed by the police against students on the campus on April 24 and 27.

They admitted the gathering had been prohibited. Mr N Cohen, for Obary, said his client was unemployed. Mr John Whitehead, for the other four, said his clients' guilty plea indicated remorse.

Mr P Mostert prosecuted. Mr Whitehead was instructyed by Ms A Durbach.

Necklacing: Two more arrested

Argus Bureau

PORT ELIZABETH. — Two more men have been arrested in connection with the necklacing of a German immigrant in November last year.

In August, four men were sentenced to death for the murder of Mr Gens Paul Bessel-lorck, 44, who worked at the Volkswagen factory in Uitenhage.

The two men are expected to appear in court soon.

Azanyu man stabbed in Mbekweni

ANOTHER member of the Azanian National Youth Unity (AZANYU) has been attacked this week in Mbekweni, Paarl.

According to residents, several clashes between members of the United Democratic Front and AZANYU has taken place in Mbekweni since 1985.

Earlier this month, the house of a slain AZANYU member Taelo Ntlaba was petrol bombed.

Matanzima Teleti was stabbed, according to sources, on Saturday night at a shebeen. The source said Teleti had crossed the "border" into "UDF territory". He sustained head and back injuries and is being treated at the Paarl East Hospital.

A Paarl UDF member condemned the stabbing and blamed the incident on undisciplined comrades or hooligans.

His mother, Mrs Ethel Teleti, a teacher at Langabuya High School, said her son came to visit her for the week-end.

She said he left Mbekweni last year to stay in Langa.

Take revenge

Her son was a member of Azanyu and was one of the accused in a murder case of a UDF member in 1985. "My son got acquitted in the case last year and had to leave the area for fear of being attacked."

She said one of the reasons for the stabbing was the outcome of the case. People wanted to take revenge.

"I was also attacked by members of the UDF in 1986 at the school. I was stabbed in the back and had acid thrown in my face because of my childrens' involvement. I was also accused of driving another of my sons away from home because he was a member of the UDF."

She said her son would have to leave Mbekweni as soon as he was discharged from hospital "because the comrades are hunting for him".

"People claim there is peace between the two organisations, but you can't even walk freely in this place", she said.

ARGUS 16/10/82

Talks ease tension over 'evictions' at hostel

Political Staff

TENSION over the 3am removal of Langa hostel-dwellers this week has eased after Community Services officials and the town committee agreed to consult the Hostel Dwellers' Association in future.

Association vice-chairman Mr Welcome Zenzile said his association was satisfied there would be no further evictions and that an upgrading project it had proposed would be investigated by Community Services.

Independent MP for Claremont Mr Jan van Eck was asked by the hostel-dwellers to intervene after people were moved at 3am from a hostel in Zone 17.

This year control of hostels in Cape Town's black townships was transferred from Community Services to town committees.

"REALLOCATIONS"

Mr Zenzile said that because the town committees was not recognised as representative of the people, the association would negotiate directly only with provincial authorities

Mr J G Mafunga, town committee secretary for Nyanga, Langa, Guguletu and Khayelitsha, said he was satisfied with the outcome of the meetings.

He said the Langa moves were not evictions but "reallocations of accommodation" and people had been moved at 3am because "people sleep all over the show" and attempts to "negotiate" with them over the past two months had not been successful.

Mr Mafunga said he would put the association's upgrading proposals to his committee

In the Supreme Court last month two policemen accused of shooting people during a period of unrest pleaded they had acted under "superior orders" and were acquitted when two assessors overruled the judge. **GERALD GORDON QC** looks at the legal history of the "superior orders" defence.

World courts do not absolve those who are ordered to kill

IT IS a dark day in the Great War. A hospital ship, the British Llandovery Castle, is torpedoed This is a crime against the international laws of war

Two lieutenants, part of the crew of a German U-boat which has sunk the vessel, give orders to fire on the lifeboats bearing sick, wounded and other survivors. The submarine's commander has ordered these two to act thus because he wants to leave no trace — for he fears the consequences

Are these two junior officers entitled to the defence that they were merely carrying out orders?

The German Supreme Court in Liepzig in 1921 answered in the negative It held that the commander's orders to leave no trace did not free the accused from guilt.

But for some decades there was considerable confusion in international legal circles as to the correct law on the subject. The British Manual of Military Law of 1914 had stated that "members of the armed forces who commit such violations of the recognized rules of warfare as are ordered by their governments or their commander are not war criminals and cannot be punished by the enemy"

However in 1944 the British and American Manuals of Military Law amended the rule and said that soldiers "cannot escape liability if, in obedience to a command, they commit acts which both violate the unchallenged rules of warfare and outrage the general sentiment of humanity" They are "bound to obey lawful orders only"

This was also the line taken in the historic trial of the major war criminals of Germany held at Nuremberg from November 1945 to October 1946

In the Charter of the International Military Tribunal which the "Four Powers" (British, Americans, Russians and French) produced, it was expressly provided that the tribunal was forbidden to entertain pleas based on the defence of superior orders — except as a mitigating factor The plea of superior orders failed and 12 of the accused went to the gallows

Adolf Eichmann, one of the principal Nazis implicated in effecting "The Final Solution of the Jewish People", that is, by elimination, was charged in 1961 in Jerusalem with the killing of millions of Jews His main defence was that at all times he was acting on orders from above and his counsel, Dr Servatius, cited the British Manual of 1914

His own evidence, however, destroyed whatever possible reliance might have been placed on this defence for he told the court. "Your Honour I must declare that I see in this murder, this extermination of the Jews, one of the gravest crimes in the history of humanity I am bowed down with shame "

And in the recent Cape case of *S v Villet and Kruger* (September 15, 1987) Mr Justice Howie cited Snyman's Strafreg. "Our law, like most civilized systems, will not be prepared to excuse a soldier who on the command of an officer commits rape or, like the war criminal Eichmann, mass murder, solely on the ground that he was obeying the order of a superior."

Until last month the only reported case on "superior orders" was *Rex v Smith* in the Cape courts in 1900 during the Boer War The accused, a private, was ordered by his captain to shoot a farm-hand dead if he did not hand over a bridle and saddle to the patrol which had occupied the farm Upon the farm-hand's refusal, the accused did shoot and kill him

The court laid down that a soldier is obliged to obey only an order which is not "manifestly illegal" On this basis it acquitted the accused

In the *Villet and Kruger* case the evidence was that during certain unrest in the Bellville area the two accused policemen had, under orders from Captain O van Schalkwyk (a former riot squad commander), hidden themselves in a garden at the corner of two streets The police district commandant, Colonel Martinus Mans and Van Schalkwyk were in the vicinity

A crowd of about 50 had gathered and there was an order to arrest those who set up obstructions and had set fire to them Kruger said that he had been ordered "to eliminate" those who again acted (against the police) (*hy het opdrag gekry om dié wat weer sou kom "optree", te "elimineer"*) and that the word "eliminate" was used by Van Schalkwyk

Kruger interpreted this to mean that he was to do all in his power to arrest those who committed acts of unrest, and if necessary for this purpose, to shoot. They were to shoot those who made trouble (*die wat kak maak*)

Teargas was soon used, the crowd moved past the corner and some ran Kruger said he decided what action was needed and instinctively shot at the crowd — in order to obey the command Van Schalkwyk had given him The two accused fired seven shots with shotguns The court found that from their own evidence it was clear they did not shoot in order to make arrests.

In consequence of the shooting a young woman, Miss Sarah van Wyk, was killed and three persons were wounded The court was satisfied that the woman died through shooting by Kruger When shot, she was less than six metres from him

Mr Justice Howie sat with two assessors In a court so constituted, questions of law are for the judge alone, but questions of fact are for all three and any two can overrule the third In the event this is what happened The assessors overruled the judge and acquitted both accused

"The pith of the question of the two accuseds' guilt," they said, "lay in the nature and contents of the relevant command which, originating from Mans and spoken by Van Schalkwyk, was given to them, as well as the manner and spirit in which it was carried out"

The orders had to be seen against the background of the events of the day and the unrest which had prevailed There was no room for discretion on their part of the two men and the congratulation of the accused by Mans immediately after the event left the assessors in no doubt that the accused did everything that evening just as they had been told to do

The learned judge, however, who had analysed the authorities and, while citing conflicting views on the *Rex v Smith* decision, adopted it in broad terms, said he would have found Kruger guilty on the charge of murdering Miss Van Wyk and of attempting to murder the three wounded people On the latter charge he would have likewise found Villet guilty, but not on the charge of murder

He said the two men had been ordered to wound people with lethal weapons This was not a lawful order Killing of our fellowmen is always *prima facie* unlawful and the use of a firearm is a drastic operation

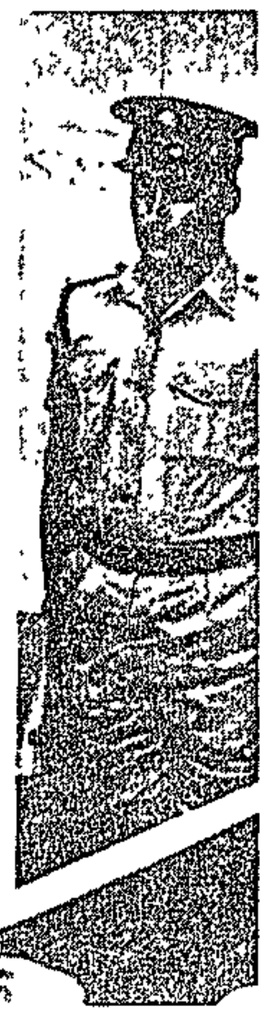
While he agreed that the shooting could not be considered in isolation, this was a shooting not at people who were busy committing a crime but at a group of persons, some of whom had shown criminal intentions but in circumstances in which it was impossible to determine who they were In his lordship's view the orders were manifestly illegal

It is perhaps to be pondered whether in the light of the considerable amount of juristic writing on the "superior orders" defence and the plethora of decisions in the forums of the world, the determination of a case like this does not turn fundamentally on a question of law and not of fact.

In this context one should notice that the issue as to whether it is a question of law or fact is itself a question of law to be decided only by the judge If there is substance in this respectfully posed query, assessors in such cases could be debarred from contributing to the finding on the guilt or otherwise of the accused

A concluding thought If in any system the lawfulness of an order given in the armed or police forces cannot be questioned either at the lowest or highest or any other level, we would reach a state of government summed up by that brilliant satirist of autocratic Rome in the first century of this era, Juvenal *"Hoc volo, sic jubeo, sit pro ratione voluntas"* (I will have this done, so I order it done; let my will replace reasoned judgment)





Adolf Eichmann ... despite the defence in his 1961 Jerusalem trial that he was acting on orders, he was found guilty of committing one of the gravest crimes against humanity.

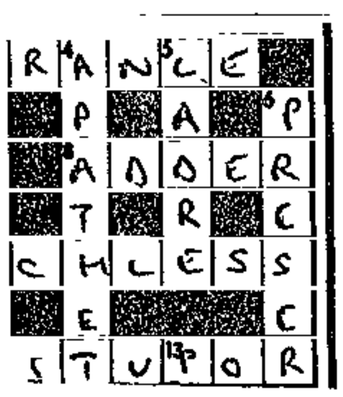
Target

HOW many words of four letters or more can you make from the letters shown here? In making a word, each letter may be used once only Each word must contain the white letter, and there must be at least one ten-letter word in the list. No plurals no foreign words and no proper names.

TODAY'S TARGET 16 words, good, 19 words, very good, 23 words, excellent **Solution tomorrow**

YESTERDAY'S SOLUTION

Adit aisled allied aside dais dale date deal dealt deasil deist dell delta desalt detail dial diet dilate dill distal distil DISTILLATE edit idea ideal idealist idle isled lade ladle laid lased lasted lead liaised lied lilied lilted listed said sailed sallied salted sated side sidle silted sited slated slid slide staid staled stalled stated stead



Cpt. Trans 17/05/2

Teacher demo prevented

Education Reporter

ABOUT 400 Western Cape Teachers' Union (Wectu) members were prevented from holding a placard demonstration outside the Roeland Street offices of the Department of Education and Culture, House of Representatives, yesterday.

The teachers, who met at Harold Cressy School in the city, were met by riot policeman as they walked en masse toward the DEC offices.

Teachers said they intended to demand that the DEC cancel the demotion and transfer of Glendale acting headmaster Mr Pieter Carelse.

A recent letter from the DEC to Mr Carelse, informing him of his demotion and transfer to another school, sparked off a series of protest demonstrations by Glendale staff and pupils.

Major Dolf Odendaal yesterday gave the teachers three minutes to disperse, and they headed back to the school grounds, where a meeting was held. A spokesman for the police public relations directorate in Pretoria said the crowd was warned to disperse, and it complied.

Suzman to give Vlok dossier on EP cops

Cape Times 19/10/87

Own Correspondent

PORT ELIZABETH. — Allegations of torture and police involvement in the establishment of the right-wing vigilante group Ama Africa at Uitenhage form part of a dossier to be presented to the Minister of Law and Order, Mr Adriaan Vlok, by trustees of the Human Rights Trust today.

Mrs Helen Suzman, Progressive Federal Party spokesman on law and order, Mr Andrew Savage, former PFP MP for Walmer, and Mr Rory Riordan, director of the trust are scheduled to meet Mr Vlok at 4pm today.

Mr Riordan said he had drawn up the more than 200-page document alleging:

- SA Police Security Branch torture of detainees;
- Police "sponsoring" of vigilantes at KwaNobuhle;
- The assault or murder of Uitenhage residents by vigilantes.

Police did not stop witdoeke — witness

By SHAUNA WESTCOTT
Supreme Court Reporter

THE R312 000 damages suit against the Minister of Law and Order resumed yesterday with the evidence of the Rev Desmond Curran, the third witness to tell the Supreme Court that police did nothing to stop witdoek vigilantes destroying KTC camp in June 1986.

In fact, Mr Curran said, the impression he gained was that police escorted hordes of heavily-armed witdoeke into KTC.

Mr Curran, formerly minister at St Gabriel's in Guguletu and now at St Raphael's in Khayelitsha, said that on June 9 last year he saw a police Casspir moving slowly down Zwelitsha Road with more than 200 armed witdoeke following behind.

"Mingling with the rear ranks" of witdoeke were two police vans. The rear door of one of these was open and policemen could be seen seated inside. The policemen in the van were in touching distance of the armed witdoeke and "didn't seem in any way on their guard".

He said his impression that police were functioning as an escort was strengthened when a police Casspir parked outside the Zolani Centre, among a crowd of witdoeke, while other witdoeke torched the centre and cars parked in its grounds.

He also saw at least five Casspirs parked under trees on the northern boundary of KTC while large groups of witdoeke burnt houses nearby.

"It seemed so strange to us," Mr Curran said, "that here were these men destroying other peoples' houses and a large number of police Casspirs stood around doing absolutely nothing to prevent the destruction".

Later that day, he was among a group of clergy who met the Minister of Constitutional Development and Planning, Mr Chris Heunis.

The hearing — on which the outcome of 3 198 similar suits involving claims of more than R5 million may depend — continues.

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

Taxi attacks: 'Witdoeke also accused'

Supreme Court Reporter

WITDOEKE who burnt down houses in the KTC squatter camp in June last year as a "settlement" with KTC residents for attacks on taxis in which people were killed were themselves accused of the same conduct.

This was heard in evidence in the Supreme Court yesterday during a R312 000 claim for damages by KTC residents against the Minister of Law and Order.

Roman Catholic priest Father Desmond Curran said that early on June 9 last year he had heard a gathering of Witdoeke talking about "settling" with the KTC community.

Cross-examined by Mr G D Griessel SC, for the Minister, Father Curran said the Witdoeke had complained that members of their group had been pulled out of taxis and killed, after which the taxis were burnt.

"I didn't see any of these incidents but the Witdoeke themselves were accused of killing people in taxis. I don't know if they (the victims) were Comrades or KTC residents."

Casspirs

Father Curran said that on June 9, 10 and 11 last year people in the KTC area would have gained the impression police Casspirs were escorting Witdoeke.

"The impression was strengthened when a Casspir among a group of Witdoeke at the Zolani Centre did not stop them from carrying on (burning the premises).

"Casspirs were omnipresent — one didn't have to go far to see one.

Mr Griessel: Isn't it a reasonable inference from what you saw that the police were monitoring the situation?

Father Curran: They weren't stopping the men.

Mr Griessel: Why would police have had to act against the men?

Father Curran: They were heavily armed with knives and pickaxes.

He had previously seen police block marches with Casspirs and a wall of armed men.

He said teargas was another method which could have been employed.

Machine-gun

"In three days the only action by the Comrades was when they prepared to counter-attack at the Zolani Centre. A machine-gun was fired over their heads."

Father Curran said although he had given interviews to British radio and television at the time of the attacks he would not have described the Witdoeke as "pro-Government vigilantes", as put to him by Mr Griessel.

"I think there were people who would have described them in that way.

He said the Comrades — mostly young people — could be described as "anti-apartheid, anti-Government activists".

"But being an activist doesn't mean one is doing anything illegal."

Previous experience during the destruction of Nyanga Bush during similar attacks in May last year suggested to Father Curran that it would have done no good to tell the police on June 10 there was an impending attack on the Zolani Centre.

"On two occasions during the Nyanga Bush events police captains told me it was not part of their instructions to prevent people burning houses. They were to keep the two groups apart.

"They were keeping one side away, but not the side burning the houses."

● KTC residents claim police helped the Witdoeke in their attacks on KTC last year, alternatively that they failed to prevent the attacks.

The hearing continues today.

Mr Justice de Kock was on the Bench Mr Griessel, SC, and Mr L Visser, SC, with Mr C Y Louw and Mr F D Brand, instructed by the State Attorney, appeared for the Minister. Mr S Aaron, SC, with Mr A M Omar and Mr P Pretorius, instructed by the Legal Resources Centre, appeared for the plaintiffs.

Gunshot, stab wound described

Unrest cops charged with murder

Cape Times 20/10/87 275

Own Correspondent

GRAAFF-REINET — Two men allegedly murdered by members of a police unrest unit died of a gunshot wound in the neck and a stab wound in the stomach, the Supreme Court here heard yesterday.

Before the court are W/O Leon de Villiers, 36, of Pollock Street, Rowallan Park, and Const David Patrick Goosen, 26, of Gamtoos Flats, Algoa Park. W/O De Villiers was in charge of a squad of 10 members of the Port Elizabeth Unrest Unit sent to Cradock to keep order at a funeral on July 26 last year.

The men are charged with:

- The murder of 18-year-old Mr Wheanut Mlungisi Stuurman.
- The murder of Mr Andile Alfred Plaatjies, 45
- Assaulting Mr Zixolisile Goniwe with the intent to cause him grievous bodily harm
- Similarly assaulting Mr Michael Qhina.
- They are also charged with attempting to defeat the ends of justice by ordering or pursuading other members of the unit to give a false report of the incidents

The accused pleaded not guilty on all counts and chose not to give an explanation of plea.

However, they did make a number of admissions, including that Mr Stuurman's body was found in the Great Fish River about 7km from Cradock the next day.

Mr Plaaitjies was found in a yard at Sikulu Street, Lingelihle, on July 26. He died later.

Professor T G Schwar, head of the department of medico-legal science at the University of Stellenbosch, conducted the post-mortem on Mr Stuurman. He found the cause of death to be a gunshot wound in the back of the neck that shattered the spinal cord.

There were other superficial injuries, but Prof Schwar said that if they were caused by an assault it was a very mild one.

He was of the opinion the bullet wound was caused by a direct hit fired from a distance of 1m or more.

Dr J A Schoeman, district surgeon at Cradock, said Mr Plaaitjies died of shock resulting from pain and loss of body fluid caused by a stab wound of the stomach.

Part of the intestine extruded through the wound. Under cross-examination he said the small intestine was also penetrated.

He could not say why he did not mention this in his report or the fact that death was caused by shock.

The trial continues today.

Mr Justice Zietsman was on the Bench with Mr B P Loots and Mr Jean van der Riet as assessors The Attorney-General, Dr J A v S d'Oliveira, and Mr W Kingsley appeared for the State Mr C Jansen, SC, assisted by Mr N du Toit and instructed by Huisamen and Roelofse, appeared for the defence

AAGS 73/10/82

Schoolchildren charged with public violence

Mitchell's Plain Bureau

SIX pupils from Mitchell's Plain and Manenberg have appeared in court on public violence charges.

They are juveniles and cannot be named.

They were not asked to plead when they appeared in the Mitchell's Plain Magistrate's Court yesterday and the hearing was postponed to December 1.

They were warned to appear.

The charges relate to an incident on October 9 when a police car was allegedly stoned in Mitchell's Plain.

Mrs G Roux was on the Bench. Mr S Haasbroek appeared for the State.

Court told of drinking squad boss

Own Correspondent

GRAAFF-REINET. — A witness who told the Supreme Court here on Wednesday of police murder and mayhem conceded yesterday he was the most senior man on patrol when the leader of a 10-man patrol remained in a van heavily under the influence of liquor.

Sergeant Heinrich Blumenthal, formerly of Koevoet and later a member of the unrest unit in Port Elizabeth, was testifying at the trial of Warrant-Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on two counts of murder, two of aggravated assault and one of an attempt to defeat the ends of justice.

The charges arose out of the alleged actions of a squad of 10 members of the unrest unit led by WO De Villiers which was sent to Cradock to keep order at a funeral on July 26 last year.

On Wednesday, Sgt Blumenthal told of a group of heavy-drinking, blood oath-swearing policemen descending on the black townships and assaulting numerous people before finally "executing" one of their interrogation victims on the banks of the Great Fish River.

Black man surrounded

Yesterday when Mr C Jansen SC, counsel for the defence, took him through the events of the two incursions into the black townships, his answers often were "I can't remember", "I don't know" and "I do not dispute that".

On Wednesday, he said WO De Villiers and Const Goosen had assaulted most of the five or six people arrested. Yesterday, he admitted he had seen WO De Villiers assault only one and Const Goosen none at all.

He admitted he was the most senior man on patrol when WO De Villiers remained in the van heavily under the influence of liquor.

He said he saw a group of policemen surround a black man and leave him lying on the ground.

He thought they had assaulted him but did not question them. He did not remember who they were.

He denied that he had kicked the man or knew that Const M D Nevelling, Const D E Botes and a Const Van Loggerenberg were carrying knives.

He denied seeing them bending over the man when he was stabbed or seeing a Const Booysen, who was in the group, hit the man with a spade.

He denied the state's allegation that the squad had gone into the township to "terrorize and assault people on the streets". He said they had gone in to counter stone-throwing and seeking information about terrorists who it was alleged would attend the funeral.

The trial continues today.

Witness: Buffels could have halted witdoeke

Supreme Court Reporter

THREE army Buffels parked on Mahobe Drive on the second day of the witdoek rampage which destroyed most of KTC could have stopped the witdoek advance in minutes but did not, the Supreme Court was told yesterday.

This was the evidence of the Rev Gerry Lorriman, the fourth witness to give evidence in the R312 000 damages suit against the Minister of Law and Order, brought by the Methodist Church and 21 families who lost their homes when KTC went up in smoke in June last year.

The suit is the first of some 3 200 — with claims of over R5 million — pending against the minister and arising from the destruction of KTC and the earlier razing of three satellite camps in which, it is alleged, police played an active role.

Mr Lorriman said he was driving along Mahobe Drive with another priest, the Rev Des Curran, when they came across three army Buffels parked at the side of the road.

"Father Curran opened his window and spoke to the commander of one Buffel. I don't remember the exact words but he asked the commander whether they were going to stop the witdoeke.

"I remember the reply was 'We are waiting for reinforcements' which I found a somewhat strange answer so I got out of the kombi and spoke to the commander," Mr Lorriman said.

"I said I was in the British Army myself and with this amount of firepower (in three Buffels) you could stop these people (witdoeke) advancing in three minutes.

"At this stage witdoeke were shouldering past me and making hostile remarks and I was keen to get back into the kombi," Mr Lorriman said.

Mr Lorriman said both he and Mr Curran then tried to telephone the then Divisional Commissioner of Police, Brigadier Chris Swart, but were told he was unavailable.

They both spoke to another police officer whom Mr Lorriman told that "a very grave situation had again arisen, a witdoek attack on KTC was being mounted and there was going to be further bloodshed, destruction and misery".

"I said it was vital that police take immediate action to prevent this," Mr Lorriman said. "The response was to thank us and to say they would look into it."

Earlier that day, Mr Lorriman pointed out to the commander of a parked police Casspir that he was "facing the wrong way" since crowds of witdoeke were streaming into KTC behind him and he could not even see them.

Like all the previous witnesses, Mr Lorriman saw witdoeke torch the Zolani Centre within sight of police, who did nothing to stop them. He also saw witdoeke "runing from shack to shack setting them alight" within sight of an army vehicle, with three armed soldiers standing beside it.

The hearing continues.

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

37 STELLA ROAD
PLUMSTEAD 7800
Winner of a Cill Golli

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...Try to put a little money aside as ...efore the end of the year, possibly to put ...d yield both pleasure and profit. This ...p with people from another area who ...u are planning to alter your property, ...d cost or there could be disappoint-

Cape Times 24/10/87 p2 #75



FUNERAL . . . At the funeral yesterday of Jayray Naidoo is his father, Mr Krishna Naidoo (left), his sister Tara (middle) and his mother, Mrs Marlene Naidoo. Behind Mr Naidoo is Mr Moosa Kaprey, chairman of the school's Parent Teacher Student Association.
Picture: PATRICK COLLINGS

1 000 attend Rylands funeral

By PETER DENNEHY

THE coffin of Jayraj Naidoo, surrounded by more than 1 000 people — most of them high school pupils, was yesterday carried past the home of a man who has been arrested in connection with the shooting.

Jayraj Naidoo, 16, was shot dead on Thursday.

Bearers took the coffin from the Naidoo home at 18 Arba Crescent to Rylands High School, where a funeral service was held.

On the way, they took a detour past the home of Mr Ebrahim Parker, a businessman, who was released on bail of R100 yesterday after appearing in court in connection with the shooting.

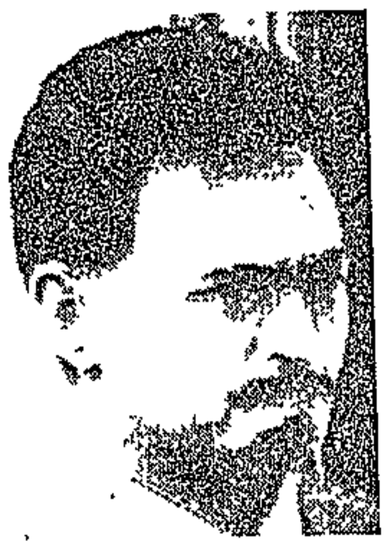
Some pupils, carrying a banner with the words "Hamba Kahle Comrade Jayraj", stopped outside the Parker home.

No classes were held at Rylands High School yesterday. Pupils of Alexander Sinton and Belgravia High also attended the funeral.

Rylands High principal Mr Ismail Waja said the school had lost a pupil who would be remembered for his gentlemanly behaviour.



WO Leon de Villiers



Const David Goosen

Cop's fatal shot: 'Accident' denied

Own Correspondent

GRAAFF-REINET. — It was suggested yesterday in the Supreme Court here that the shot that killed Mr Wheanut Mlungisi Stuurman next to the Great Fish River last July was unintentionally fired by a policeman

Sergeant Heinrich Blumenthal was in his third day in the witness box, testifying at the trial of two Unrest Unit members, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on charges of murdering Mr Stuurman and Mr Andile Plaatjies, and assaulting Mr Zixolisile Goniwe and Mr Michael Qhina.

The offences were alleged to have occurred when an Unrest Unit section of 10, under the command of W/O De Villiers, was sent from Port Elizabeth to Cradock to keep order at a funeral on July 26 last year

Both men pleaded not guilty to all the charges but they did not disclose their defence

Yesterday, it was put to Sgt Blumenthal by the defence counsel, Mr C Jansen SC, that when Const Goosen returned from the river pale and shocked, he told his colleagues that when he got to the river he slipped and a shot went off and hit Mr Stuurman in the neck.

Sgt Blumenthal denied this, and said Const Goosen appeared normal and reported that he had pressed the pistol against Mr Stuurman's neck, fired, and that Mr Stuurman had fallen

When he was pressed on this issue, he added that Const Goosen had also said that one of the other constables had helped him throw Mr Stuurman's body into the river, but that it had fallen on a sandbank

Sgt Blumenthal said he did not remember who had originally said that Mr Stuurman should be "taken out"

He had not originally understood "take out" as execution, although he knew it could mean that He thought they just intended to take Mr Stuurman out of town to somewhere more secluded to continue the interrogation

When Const Goosen and two others had left with Mr Stuurman, W/O De Villiers said "I wonder when Goosen is going to shoot that black" He thought he was just "talking big". When he heard a shot soon after, he was shocked

He agreed that if he wanted to "take out" a man, he would have used one of the shotguns that were available, because they did not eject the spent shell and the shot could not be matched by ballistics

He would not have taken along two witnesses, and he would have tried to removed all trace of his presence at the scene He certainly would not have announced his intention in advance, or reported shooting the man to comparative strangers on his return

The trial will continue on Monday

SAP-vigilante link to be probed



Adriaan Vlok ... called on to investigate police involvement.

By MBULELO LINDA

HEADS of the newly established Human Rights Trust, based in Port Elizabeth, met the Minister of Law and Order, Adriaan Vlok, in Cape Town this week in a further initiative to quell more than 10 months of violence in Uitenhage townships.

The Minister was also asked to investigate allegations concerning the treatment of detainees in the Eastern Cape by members of the security branch.

Director of the trust, Rory Riordan, PFP spokesman for Law and Order, Helen Suzman and former PFP MP for Walmer Andrew Savage met with Vlok, two senior officers and the Commissioner of Police, Hennie de Witt.

Riordan said before the meeting that the initiative had the support of the community. He presented Vlok with a 200-page dossier containing allegations about police involvement in vigilante attacks on residents in Kwanobuhle township.

Since the January 4 vigilante attacks in Uitenhage, Riordan has been monitoring the clashes which are believed to have been between Ama-Afrika vigilantes and UDF supporters.

The Minister and De Witt, according to Riordan, have agreed to launch an inter-departmental investigation concerning allegations of security branch maltreatment of detainees and the alleged collusion between police and vigilantes in the assault and killing of Uitenhage residents.

In a letter written by Riordan, the Minister has been advised that the dossier, consisting of over 40 statements concerning the treatment of detainees, were brought to his attention by Suzman during a parliamentary debate this year.

Also included in the dossier is a series of documents concerning events monitered by the HRT in Uitenhage townships and a "diary" of the detention of Emson Banda, a Uitenhage Advice Centre worker who was brutally attacked by vigilantes soon after his release from a year's detention in August this year.

Other documents contain an analysis of the reasons given by the Minister for the detention of individuals in the Eastern Cape and concludes that Vlok acted on incomplete and misleading information received from his sources in Port Elizabeth.

It is alleged by Riordan in a covering letter to Vlok that SA police under Colonel Laurie Strydom of the riot police, together with Ama-Afrika vigilantes, attacked residents of Uitenhage on January 4. Many people were killed or assaulted and the property of over 20 families was destroyed.

Meanwhile, the leader of the Ama-Afrika in Uitenhage and in Port Elizabeth, Rev Ebenezer Maqina, said he had also collected affidavits from people who were the victims of certain individuals who were "used" by the police.

"There is a possibility that there are certain individuals who are using the Uitenhage situation for their own benefit," said Maqina.

He denied that his organisation had been working with the police and said Ama-Afrika was an Africanist movement which did not want any association with whites. – Pen.

CML Trial
27/10/87

Editor tells of witdoeke in police Casspir

Supreme Court Reporter

KTC was beginning to burn when the editor of the Western Province Council of Churches publication "Crisis News" saw an armed witdoek climb into a police Casspir in which other witdoeke were already seated, the Supreme Court heard yesterday

This was the evidence of Ms Emma Huismans, the fifth witness to testify in the R312 000 damages suit brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when KTC was destroyed in June last year

The minister is being sued on the basis of an allegation that police played an active role in the destruction. Some 3 198 similar suits, with claims of over R5 million, are pending against the minister and may depend on the outcome of the KTC suit.

Ms Huismans said she was a passenger in a kombi driven along NY5 by the Rev Des Curran on June 9, the first day of the witdoek rampage in KTC.

At least five Casspirs were parked at the side of NY5 on the northern boundary of KTC, which was already beginning to burn.

"Around each Casspir a group of witdoeke was gathered," Ms Huismans said, "and every now and then something in Xhosa was broadcast from a Casspir after which the witdoek group would leave the Casspir and disappear into KTC."

View into Casspir

She said she could not see what the witdoeke did in KTC, but that minutes after they entered houses began to burn.

As Ms Huismans drove past the Casspirs, she got "a clear view" into a brown Casspir whose rear door was open. She said she saw a number of witdoeke seated inside and an armed witdoek heave himself up into the vehicle.

Uniformed policemen were standing next to the Casspir while the witdoek climbed in, Ms Huismans said.

She said her impression of relations between witdoeke and police was that there was clear contact and communication between them "and it was not aggressive or unfriendly".

Like all the previous witnesses, she said police made no attempt to stop the witdoek rampage. On the contrary, her impression was that police vehicles functioned as escorts for the armed witdoek horde.

The trial continues

Mr Justice M R de Kock presided Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister

Court told of throttling attack

CMC Trials 27/10/87 275

Own Correspondent

GRAAFF-REINET. — A man told the Supreme Court here yesterday he was attacked and throttled by a man wearing a police uniform, carrying a fireman's axe and with a balaclava cap pulled over his face.

Mr Monde Ngindi was testifying at the trial of two members of the Unrest Unit, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on two counts of murder, two counts of assault and attempting to defeat the ends of justice.

Another witness, Mr Michael Qhina, said he and two friends started visiting shebeens early on the morning of July 25. They parted in late afternoon, and after that he had no idea of what happened till he woke in hospital.

He had stab wounds in his chest and the right-hand-side of his abdomen.

Mr Phumlani Williams told the court that he had seen Mr Andile Plaatjies drinking with friends in Mr Ngindi's room on the night of July 25 last year.

The next day he found Mr Plaatjies dead and noticed a wound on his stomach.

Mr Ngindi said he, Mr Plaatjies and others, were in his room drinking till about 11pm.

When they decided to go home they had just left the yard when a van came racing at them.

They scattered and ran. He saw five policeman get out of the van and run into the yard.

After he had sought shelter at a nearby house he was attacked and throttled by a man wearing a police uniform, carrying a fireman's axe and with a balaclava cap pulled over his face.

He managed to break loose and escape. He could not identify the man. The next day he saw Mr Plaatjies was dead.

The trial will continue today.

Policeman testifies on drink, execution

Cape Times 22/8/87

Own Correspondent

GRAAFF-REINET. — A second policeman yesterday told the Supreme Court about a foray into the Cradock black township by an unrest squad preceded by drinking and ending in an execution.

WO Leon de Villiers, 36, and Const David Patrick Goosen, 26, are charged with two counts of murder.

Const Michael Neveling told the court that on July 26 last year the unit collected liquor from shebeens. He described a blood-brother ceremony around a fire to ensure the squad would keep its secrets.

Later they chased a man and he saw Const Goosen stab the man in the chest with a diver's knife.

The next day W/O De Villiers and Const Goosen questioned a Mr Wheanut Mlungisi Stuurman. Later he saw Mr Stuurman was bleeding.

W/O De Villiers said: "This boy must be taken out — he is too badly hit to detain."

He and others accompanied Const Goosen and Mr Stuurman to a canal and then turned back. Back at the van he heard W/O De Villiers say: "I wonder why Goosen is taking so long to shoot that boy." Then there was a shot.

Two constables returned silent and shaken. Const Goosen returned soon after, apparently normal, and said he had shot the boy in the back of the neck. The boy had dropped like an ox and they had thrown him into the river.

W/O De Villiers told them to "keep quiet about it".

Yes, you can afford

Cape

e Times, Thursday, October 29, 1987 3

'Conspiracy' by colleagues — counsel

Own Correspondent

GRAAFF-REINET. — Members of the Unrest Unit had conspired to bring false evidence against two colleagues accused of murder, it was alleged in the Supreme Court here yesterday.

It was put to Constable Michael Douglas Neveling that there was a conspiracy between him and other members of the unrest squad to fabricate evidence against the accused.

He replied that they could not conspire if each did not know what the other would say.

Before the court were W/O Leon de Villiers, 36, and Const David Patrick Goosen, 26, facing two counts of murder, two counts of assault and one of attempting to defeat the ends of justice.

The charges arise out of incidents which are alleged to have occurred when a squad of 10 Unrest Unit members under the command of W/O De Villiers was sent from Port Elizabeth to Cradock to keep order at a funeral on July 26 last year.

Const Neveling said he had seen Const Goosen stab a man (Mr Michael Qhina) in the chest with a diver's knife soon after the unit entered the black townships for the first time.

He insisted that he was able to see it was a diver's knife that Const Goosen had used, having seen it only as it was plunged towards the man's chest and was withdrawn.

He agreed that he made this observation from 30 metres at night. He could tell it was a diver's knife from the serrations along the edges.

Mr C Jansen, for the defence, put it to him that he was fabricating evidence.

Stopping the 'Natal war'

The Argus Correspondent

DURBAN. — The Rev Athol R Jennings will be the man in the hot seat at a summit meeting to bring about reconciliation and to stop the killing and bloodshed in the Maritzburg "civil wars" between supporters of the United Democratic Front and Inkatha.

He has the backing of three major churches.

Mr Jennings, 56, is a former olympic athlete and is now director of the Koinonia conference centre at Botha's Hill.

His task is to direct moves aimed at bringing justice and reconciliation wherever it is needed, but he said that it was neither the Trust nor the centre (which is backed by the Anglican, Catholic and Methodist Churches) which initiated the move to get the warring groups to talk.

"It was the people who felt that there was a need to talk to resolve the crisis in the townships," said Mr Jennings. "We are not here to tell them what to do. I am here to ensure that those people who want to talk are able to do so."

Both UDF president Mr Archie Gumede and members of the Inkatha organisation such as Mr Musa Zondi and Mr Mtwe Mafole have said the talks already held at community level had been "very useful".

He said the talks that had already taken place and which would begin again next Wednesday were at a local level.

"But there will have to be some talks between the leadership at a higher level. Who knows what will happen then," said Mr Jennings.

He is a man who chooses his words and talks softly. Obviously deeply caring about all people, Mr Jennings, in 1960, was appointed resident minister at Kloof Methodist Church and was later appointed chaplain of Kearsney College.

In 1968, he was appointed Methodist youth leader in Natal.

During Christmas of 1972 he took part in the 965-kilometre pilgrimage of confession and concern from Grahamstown to Cape Town, to make whites aware of the evils of the migrant labour system.

Own Correspondent

GRAAFF-REINET. — Although he had heard that a "boy" must be "taken out", the possibility of murder never occurred to him as he drove the victim and members of the Unrest Unit to the Great Fish River, a witness told the Supreme Court yesterday

Constable Michael Douglas Neveling was spending his third day in the witness box at the trial of his colleagues, Warrant Officer Leon De Villiers, 36, and Constable David Patrick Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice

Const Neveling said although he knew Mr Wheanut Mlungisi Stuurman had been assaulted, and WO De Villiers said he was too badly injured to be detained and must be taken out, he never dreamt a man would be killed as he drove them to the river.

On the way, Const D Hanekom asked him what "taken out" meant, and he explained it meant shot

It was only after Const Goosen, Const R Fourie and Const Booyens had walked to the river

Cop 'never dreamt' man would be killed

with Mr Stuurman, and WO De Villiers said "I wonder when Goosen is going to shoot that boy" that the possibility occurred to him

Even then he was not certain.

And even after he heard a shot he did not think of asking WO De Villiers what was happening

He had actually gone to meet Consts Fourie and Booyens when he heard them returning, but he did not ask them either.

Later in the bus, WO De Villiers asked Const Goosen how he had shot the boy

WO De Villiers did not ask "if", but "how".

Const Goosen said. "I shot him from behind, through the neck. I saw the bullet come out his face and hit the opposite bank. Sand flew.

"The boy fell like an ox. We grabbed him and threw him in the river."

WO De Villiers asked how deep the river was and Const Goosen replied: "Very shallow We threw the boy on a sandbank and he landed face down."

Const Neveling denied that in fact Const Goosen had made a spontaneous report about slipping and shooting the boy accidentally when he returned to the bus.

He also denied Const Goosen had said he pressed the gun against the boy's neck and fired as testified to previously by Sergeant H Bloementhal.

He admitted that a photograph of the scene showed no sandbanks and that the opposite bank was not visible because of vegetation.

Dealing with the subsequent investigation, he agreed that Const Goosen's alleged suggestion that they swop guns or change the barrels was absurd, as they had already handed their pistols to Colonel D Blignaut.

The trial will continue today

W/E Argus

31/10/87

Bonte neuwe a place of fear

BY MARK STANSFIELD
Weekend Argus Reporter

BONTEHEUWEL. To most of us just a place-name on a map, a reference-point when explaining the Modderdam Road N2 turn-off which leads to the northern suburbs.

For others it is a fear-filled concrete jungle to be avoided at all costs A place which has become synonymous with unrest, leftist activists and high crime

But people do actually live there — 84 000 of them are crammed into an area designed for 47 000

Bonteheuwel residents regard their suburb as a living monument to gross Government ineptitude — a modern-day beacon which points to the start of South Africa's Surplus People Age because Bonteheuwel, built in the early '60s, was the first coloured area to be used as a "dumping ground for people forced to move by the National Party Group Areas policy" (Bonteheuwel MP Patrick McKenzie, April 1986)

Forced to settle in dusty, sandy wasteland

Bonteheuwel teenagers are spoonfed on tales of how their parents were forced by the Government to move They are told of the gay, bright and happy areas their folks were forced to leave behind and how they were forced to settle in a dusty, sandy wasteland of clone-built houses simply because the Government thought it best.

Since the early '60s the frustration and anger of their parents has been ingrained in the souls of the children It formed a common bond which brought the community closer together They were determined to regain what was rightfully their parents' and theirs

These feelings forged a common bond between all who lived in Bonteheuwel It was a closed community which acted and thought as one

In the late 60's it was the first area where unrest flared in the Cape

Solidarity against unjust system

When there was dissatisfaction, such as in 1975 over Afrikaans textbooks in the schools, Bonteheuwel's residents were the first in the Cape to show solidarity with those in Soweto.

The whole community, parents and children, stood together and showed solidarity against an unjust system, according to residents

The same happened in 1980 The Cape unrest began in Bonteheuwel and the majority of the residents were involved

But something has gone horribly wrong since then among those living in Bonteheuwel who are committed to the "struggle".

A split appears to have formed in this once closely-knit community and they seem divided over the methods to use in bringing about a change in the South African system

"Make no mistake, all of them are still committed to changing the Government — including myself," said Labour Party MP Mr Patrick McKenzie.

Bonteheuwel targeted by 'outside forces'

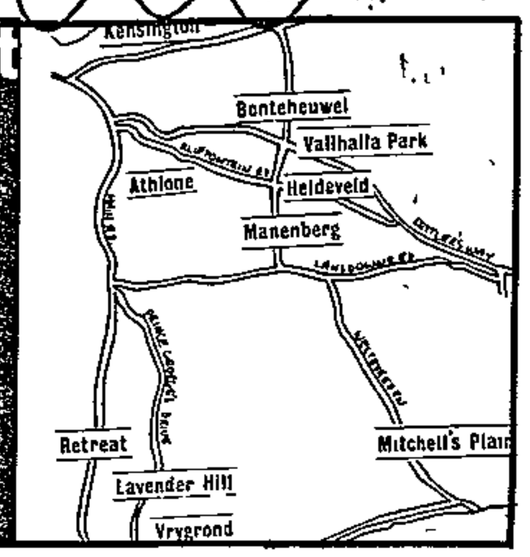
"The split happened in 1985 because it was then that 'outside forces' targeted Bonteheuwel as the ideal place to launch a major attack against the Government, and the children apparently were to be used as the tools," he said

For months moderate coloured leaders have warned the Government of the activities in the area

Apparently without heed, because it was not until last week that police announced the arrest of a gang of Bonteheuwel teenagers aged between 14 and 18 who allegedly "acted under the influence of the African National Congress and who are linked to more than 300 serious crimes such as arson, attempted arson, public violence and attacks on the homes of policemen" (The Minister of Law and Order, Mr Adriaan Vlok, October 24 1987)

More arrests are expected to follow, according to Pretoria police spokesmen

To some, just a reference point, for others, a jungle to be avoided at all costs



Warning signs pointed out but ignored

It appears that this is more than just a bunch of "radical students" out to disrupt the community. The warning-signs were pointed out but, it seems, were ignored

● In a parliamentary speech on Thursday, May 29 this year, Bonteheuwel MP Mr Patrick McKenzie said that urgent action was needed to stop Azapo, ANC, UDF, UWC, UCT and Cosas members from having daily meetings with schoolchildren in Bonteheuwel

"They are being taught to disrupt our community," he told the House of Representatives

"I want to ask, plead, that the high schools in Bonteheuwel be cleaned out to the very core Senior members of the radical groups are addressing the children daily If the vice-principal (of Arcadia High School) was not pulled away yesterday he would have been a corpse He would have been stoned by those pupils," he said.

"Violence is only answer to our problems"

"I addressed a gathering of about 200 youths in Bonteheuwel three weeks ago One of the youngest children there — he was about 13 or 14 — got up and said to me 'Mr McKenzie, be honest violence is the only answer to our problems in South Africa.' This boy does not even know the difference between violence and non-violence but this is what they are taught in our schools"

● On September 4 this year he again urged the Government to pay close heed to what was taking place in Bonteheuwel and warned that the ANC was trying to make the suburb ungovernable

Mr McKenzie said it was a "known fact that the ANC is trying to make Bonteheuwel highly politicised"

"Young people have been smuggled into neighbouring states for military training It is not good to see a community such as Bonteheuwel being dragged down because of a minority of young people," he said

On Saturday, October 24 youths allegedly belonging to the Bonteheuwel Military Wing were arrested

This week Weekend Argus asked Mr McKenzie whether the split in the community was one which divided the older, more conservative residents who were looking for a non-violent means to bring about change from the younger generation who seem more prepared to wage an armed struggle in attaining their goals of a just and free society

"It is not a case of the younger generation disagreeing with older residents There is no real split in that sense. We are all still committed to establishing a system of government which will be just to all

"There is, however, a clear distinction between the radical youth who believe in violence and those who seek a more peaceful method of bringing about change — which includes the majority of the youth

"Radicals unable to pull whole community together"

"This is evidenced by the fact that since 1985 the radicals have not been able to pull the whole community together when it has been decided to riot. They just cannot get it off the ground

"For the first time in years our schools are having a full educational day without the disruptions which were a part of school life since 1985 This is because the radical element has been removed

"In proportion to the number of pupils who attend school in Bonteheuwel, the radical element is small

"Since the early 1960s, when Bonteheuwel was established, there has always been dissatisfaction, but at least in those days the whole community was behind whatever form of action was decided on

"It was in 1985 that we saw the first change because this was when outside elements came into the community to try to organise the boycotts and riots

"I cannot blame the youth for their attitude. If you had grown up there (in Bonteheuwel) you would probably also look for any means to bring about a change to the system. But my heart bleeds that now some of our children are being taught to hate, to burn and to kill to bring about this change

"The outside radical elements have split us .. divided us by the methods they have implemented.

"I took part in the 1975 riots and I also visited the ANC in that year but I do not believe in having to swim through a river of blood to attain my freedom," he said

"In 1985 we saw outsiders come into Bonteheuwel during the riots and dump burning tyres on our roads

"There was one school which did not want to boycott. The following day a lorry carrying tyres stopped outside the school These were the days of the necklace killings The implication was there, the children were threatened and the following day they joined the boycott.

"These things have been happening since then. I believe the majority of our children want to learn because education brings about freedom.

"Radicals destroy positive changes"

"At about that time, as well, the City Council decided to upgrade the area and moved heavy earth-moving machinery to Bonteheuwel. Three of these machines were burnt out with petrol bombs

"Most of the community then realised that even when something positive was being done to change their lives the outside radicals would destroy it This was the beginning of the split within the community and it continues today

"You cannot blame kids for rioting if you were to see the conditions of their schools I certainly do not blame them because I did the same things.

"My only concern is to stop people destroying the souls of our children with their indoctrination of hatred"

Mr McKenzie has been accused of being an elusive figure within the community, not easily approached and never available when needed

"To those who say that sort of thing I tell to look in at my office in Bonteheuwel where I usually work from 7 30am until late and I see an average of about 50 people a day this way," he said

Constable: Arrests were unlawful

Cape Times 31/10/87

Own Correspondent

GRAAFF-REINET. — Arrests made in Cradock by a police unrest unit on July 26 last year were unlawful, a policeman conceded in the Supreme Court yesterday.

When Constable Michael Douglas Neveling was asked whether he thought the fact that a man was wearing a Cradora shirt and ran away when approached by police was sufficient reason for arrest, he admitted the arrest was illegal

Const Neveling was rounding off three-and-a-half days in the witness box during the trial of two of his colleagues, Warrant Officer Leon de Villiers, 36, and Const David Patrick Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arose out of alleged incidents that occurred when a 10-man squad of the Unrest Unit under WO De Villiers was sent to Cradock to "monitor" a funeral there on July 26 last year.

During the trial, it emerged that a number of people — including one of the dead men, Mr Wheanut Mlungisi Stuurman — were arrested, interrogated and assaulted by the unit.

After Const Neveling's evidence, one of the assessors, Mr B P. Loots, questioned him about arresting Mr Stuurman.

Ran away

He replied that it was because Mr Stuurman was wearing a Cradora shirt and ran away when they approached. Up to then, he had been lying peacefully with two others on a patch of grass.

When Const Neveling was asked whether he thought this was sufficient reason, he admitted the arrest was illegal.

Pressed, he conceded that all the other arrests they had made were unlawful too.

Mr Loots: "What did you hope to achieve by them?"

Const Neveling: "You never know until you try. It's pure luck if you get anything."

Mr Loots: "And if the person does not want to talk?"

Const Neveling: "You make them talk."

Mr Loots. "How?"

Const Neveling: "As we did, assaults, plastic bags and so on "

Mr Loots: "Is that legal?"

Const Neveling: "No."

Mr Loots: " You mentioned a water method "

Const Neveling: "Yes, you hold them under until they talk."

Mr Loots "Did you think that was what was going to happen when Mr Stuurman was taken to the river?"

Const Neveling: "It was a possibility."

Mr Loots then asked whether he or any of the other members had got any information from the people they had arrested in Cradock. Const Neveling replied that they had not.

Mr Loots: "But how did you expect to, when you did not even have anybody who could speak Xhosa?"

Const Neveling: "If you take them far enough, they talk Afrikaans."

Const Neveling also said it was common for the unit to collect liquor from shebeens without paying and drink it on duty.

He said the unit's vehicles and men were never inspected by officers while they were on patrol. He agreed that it was against regulations.

The trial will continue on Monday.

GRAAFF-REINET. — Two members of the Port Elizabeth Reaction Unit face two charges of murder, two of aggravated assault and one of attempting to defeat the ends of justice.

They are Warrant-Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, both of Port Elizabeth.

It is alleged that on July 26, 1986, they:

- **Murdered Mr Wheanut Mlungisi Stuurman, 18.**
- **Murdered Mr Andile Plaatjies, 25.**
- **Assaulted Mr Zixolisile Goniwe, 20, with the intention of causing him grievous bodily harm.**
- **Assaulted Mr Michael Qhina, 45, with the intention of causing him grievous bodily harm.**

On July 28, 1986, they are alleged to have attempted to defeat the ends of justice by ordering or persuading other members of their unit to give an incorrect version of the events.

They have pleaded not guilty.

Witness tells of tents burning

Supreme Court Reporter

MOMENTS before witdoeke set fire to two big tents sheltering homeless refugees on the border of KTC on June 9 last year, three witdoeke jumped out of a police Casspir that stopped at the scene, the Supreme Court heard yesterday.

This was the evidence of 20-year-old Ms Phillia Kwinana, now a Std 9 pupil at Malizo High in Khayelitsha, but also a Red Cross voluntary worker.

She is the sixth witness to give evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when most of KTC was destroyed

The minister is being sued on the basis of an allegation that police played an active role in the destruction. Some 3 198 similar suits, with claims of over R5 million, are pending against the minister and may depend on the outcome of the KTC suit.

Ms Kwinana told the court she had been working at the Divco clinic in Terminus Road from 7am on Monday, June 9. They were very busy and had no clocks or watches so she had no idea of how much time went by.

"While we were working I heard a noise. People screamed 'the witdoeke are coming!' and then I heard shots," she said.

"I went to the window and saw people running in all directions. After about five minutes, I'm not sure of the time, I saw a yellow Casspir, a brown Casspir and a white police van with a lot of witdoeke in front of and next to the vehicles."

Ms Kwinana said the procession moved slowly, halting at intervals, till it stopped near the corner of Terminus Road and Zwelitsha Drive.

"Three witdoeke wearing blankets jumped out of the open back door of the yellow Casspir and joined the crowd of witdoeke on the corner. Then I saw about eight witdoeke running towards the tents and after that we saw smoke and flames coming from the tents."

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister

AKGUS 24/4/07

Special constable stabbed to death in Khayelitsha

Crime Reporter

AN OFF-DUTY special constable has died, apparently while trying to get to the Khayelitsha police station for help after he was assaulted.

Police said the body of Constable Victor Xmakanana, 24, was found about 11.40 last night about 200m from the police station.

He had been stabbed in the chest.

A spokesman said it appeared as if Constable Xmakanana was assaulted and tried to reach the police station, but collapsed and died.

In another incident shots were fired at two special constables as they were walking to work in Nyanga.

Neither was injured.

Police said two shots were fired at the men in Mahobe Drive about 9.30 last night. They responded by firing warning shots into the air and then retreated.

CAPE TIMES 2/11/87

Spade attack led to shot

A WORCESTER man who attacked a policeman with a spade in the Swellentemba township on Saturday morning was wounded when the policeman opened fire on him.

A Boland police spokesman yesterday said that when two policemen, Constable D M Hlongwa and Constable W Lewies, arrived at the scene of a public disturbance they were attacked by a man wielding a spade.

A warning shot was fired, followed by a second shot when the man hit Const Hlongwa again.

The wounded man was arrested and taken to the Eben Dönges Hospital in Worcester.

of two allegedly captured South African "armoured cars"

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275

Arrested, beaten for no reason, says Karoo man

GRAAFF-REINET. — A man said he was beaten, suffocated with a plastic bag and threatened with death by members of the unrest unit for no reason at all.

Mr Zixolisile Goniwe was testifying before the Supreme Court here yesterday in the trial of Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26. They are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock when a 10-man squad from the unrest unit under W/O de Villiers was sent to monitor a funeral there on July 26 last year.

ALL ARRESTED

Mr Goniwe said he was standing in his yard in Zambodla Street on the morning of July 26 last year. Three other black men were standing at a nearby corner. A police vehicle pulled up. They were all arrested.

Mr Goniwe said he had done nothing to warrant arrest. He said he was told not to look in a certain direction, but could hear what sounded like blows. During this time the alleged assault took place.

Mr Goniwe said he had then gone to hospital for treatment to his ears and his head, which were both painful.

He did not lay a charge because, he said, he was unable to identify the people involved. However, questioned by Mr W Kingsley (for the State) Mr Goniwe said he recognised W/O de Villiers as the "chief".

He said he was unable to recognise Constable Goosen. The coloured policeman involved had worn a full beard on the day of the events.

Mr Justice Zietsman said: "What did they want from you. Did they ask you any questions?"

Mr Goniwe replied: "They did not want anything, they did not ask any questions."

He said he was terrified when he heard he was to be killed.

The trial continues today. — Sapa.

Police on trial: Man 'was beaten'

Own Correspondent

GRAAFF-REINET. — A man told the Supreme Court yesterday that he had been beaten, suffocated with a plastic bag and threatened with death by members of the unrest unit for no reason at all.

Mr Zixolisile Goniwe was testifying here in the trial of Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock when a 10-man squad from the unrest unit under WO De Villiers was sent to monitor a funeral there on July 26 last year.

Mr Goniwe said he was standing in his yard in Zambodla Street on the morning of July 26 last year. Three other men were standing on the corner.

A police bus pulled up and they were all arrested Mr Goniwe said he had done nothing to warrant arrest.

When he sat on a seat in the bus, a coloured policeman hit him on the back of the head with s rifle butt and told him to sit on the floor.

The man in charge of the squad came and sat opposite him.

When the bus stopped near the Methodist church, the "Chief" started punching him.

The other arrested men were allowed to alight and the police chased them away.

"Chief" then placed a plastic bag over Mr Goniwe's head while the coloured policeman held his arms. He struggled till they took it off.

"Chief" then throttled him with a fanbelt 'till he lost consciousness. He came round near the house of the "deceased" (Mr W M Stuurman, 18).

"Chief then told the driver to go to a farm called 'Mission', where he was going to kill me," said Mr Goniwe.

Policemen got out of the bus, returned with the "deceased" and placed him in the bus.

Mr Goniwe was told not to look in that direction, but thought he heard blows.

Near the NG church the bus slowed down and he was told to get out. The coloured policeman wanted to push him out, but "Chief" restrained him.

He then went to hospital for treatment, as his ears and head were painful.

He said he did not lay a charge because he was unable to identify the people involved.

Mr W Kingsley, counsel for the state, then directed his attention to the accused. Mr Goniwe said he recognized WO De Villiers as "Chief". He said he was unable to recognize Const Goosen, as the coloured policeman was wearing a full beard the day he was assaulted.

Mr Justice Zietsman: "What did they want from you, did they ask you any questions?"

Mr Goniwe: "They did not want anything, they did not ask any questions."

Mr Goniwe said he was terrified when he heard he was to be killed, and begged forgiveness.

The trial will continue today.

TWO members of the Port Elizabeth Reaction Unit face two charges of murder, two of aggravated assault, and of attempting to defeat the ends of justice.

They are Warrant Officer Leon de Villiers, 36, and Const David Patrick Goosen, 26, both of Port Elizabeth

It is alleged that on July 26, 1986, they:

- **Murdered Mr Wheanut Mlungisi Stuurman, 18.**
- **Murdered Mr Andile Plaatjies, 25.**
- **Assaulted Mr Zixolisile Goniwe, 20, with the intention of causing him grievous bodily harm.**
- **Assaulted Mr Michael Qhina, 45, with the intention of causing him griveous bodily harm.**

On July 28, 1986, they are alleged to have attempted to defeat the ends of justice by ordering or persuading other members of their unit to give an incorrect version of the events.

They have both pleaded not guilty.

ARGUS 3/11/87

Sabotage sentences on six men are reduced by court

Supreme Court Reporter

THE Supreme Court has reduced on appeal the sentences of six men convicted of committing sabotage in Kraaifontein more than two years ago.

The sabotage on October 22 1985 resulted in fires which caused about R1,5-million damage to Bloch's Supermarket and the Egg Board's premises.

Although the convictions were upheld, Mr Justice Conradie and Mr Justice Burger ordered that the men's sentences on the two counts run concurrently instead of cumulatively.

"VILLAINS"

Jan Douries, 29, and John van der Westhuizen, 29, both of Scottsdene, were both jailed for nine years and five years cumulatively, but will serve an effective nine years.

A 14-year sentence gave Douries and Van der Westhuizen — described as "villains" (booswigte) by the court — no chance of picking up the pieces of their lives, the judges said.

The five-year and three-year terms imposed on Pieter Cyster, 18, of Scottsdene, Chrisjan Horne, 18, of Watsonia Park, and Andries Carelse, 18, of Kraaifontein, will also run concurrently.

"DELINQUENTS"

Cyster, Horne and Carelse were 17 when they were sentenced on August 1 last year.

David Williams, 21, of Watsonia Park, who was jailed for six years for the Bloch's incident and four years for the Egg Board fire, had his sentences reduced to four years and three years to run concurrently — an effective four-year sentence.

The court found that all the appellants except Williams were probably "ordinary juvenile delinquents" and that they did not deserve the heavy maximum sentences used to deter political activists, something none of the six appeared to be.

The judges found that the convictions on two counts of sabotage as defined in the Internal Security Act could not be set aside.

They found that the men's intention of endangering the interests of the public and the production and distribution of commodities and foodstuffs fell specifically under actions prohibited in the Act.

Counsel for the appellants argued that the State had not shown beyond reasonable doubt that the men had this intent and that they should be convicted only of arson.

Evidence was that the six were in a group who marched to the shopping centre.

"BLINDLY"

The judges said: "There is no indication that they bore any grudge against the owner of the centre or the Egg Board.

"The damage was caused blindly and there is no indication that they tried to ensure or even hoped that fire damage would be limited to one or other shop.

"From this one can most probably conclude that they wanted to do more than just cause individual's damage.

"The appellants aimed to endanger the interests of the public and the production and distribution of commodities and foodstuffs."

Mr D Delahunt appeared for all the appellants except Van der Westhuizen, who was represented by Mr R Tainton.

No date yet for Maritzburg 'peace talks'

DURBAN. — Warring factions in Maritzburg's troubled black townships have expressed a willingness for eyeball-to-eyeball talks aimed at putting an end to political violence, but no definite date has been set.

United Democratic Front and Inkatha leaders in Maritzburg said they were still committed to ending the intense fighting which had resulted in more than 60 deaths.

The peace talks between Inkatha and the UDF were due to start soon.

The chairman of the UDF in Maritzburg, Mr A Chetty, said they were prepared to stop the "bloodshed" though they were being made to appear villains.

He said UDF had had discussions with the Chamber of Commerce about talks but he did not know how far the discussions had gone.

"Under the present circumstances we would take everyone in good faith and we hope the chamber of commerce would be an honest broker," he said.

He said they were very keen to bring an end to the violence. But it was pointless sitting at top-level discussions when, at the ground level, killings were continuing.

"Therefore, if one is serious about negotiations, one would have to work out a procedure before the negotiations can start," Mr Chetty said.

Inkatha said it was still committed to talks.

The local leader of Inkatha and KwaZulu MP for Maritzburg, Mr Velaphi Ndlovu, said the peace talks were "very, very important" and Inkatha would still attend.

"If the UDF is really sincere as we are, then the talks can succeed in bringing peace to the area."

The acting chairman of the Maritzburg Council of Churches, the Rev Lizo Jafta, said the church was trying to create the climate for talks.

Cape Times, Wednesday, November 4, 1987

Policeman 'beckoned to witdoeke to charge'

Supreme Court Reporter

WITDOEKE gathered in front of the Divco clinic in Nyanga surged forward and torched the Zolani Centre and refugee tents pitched beside it after a policeman in a Casspir beckoned them into a charge, the Supreme Court heard yesterday.

This was the evidence of 26-year-old Dr Mark Blecher, the seventh witness to testify in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when most of KTC was destroyed last year.

From a window in the clinic where he was working on June 9, Dr Blecher saw several hundred armed witdoeke approaching from Old Crossroads.

"They charged a group of so-called comrades who were opposite the clinic and a battle ensued. Four Casspirs and Buffels were patrolling the area but did absolutely nothing to prevent the attack, let alone stop it," he said.

"The witdoeke then gathered in front of the clinic and I saw a policeman in a Casspir stationed next to them beckon with his hands to the witdoeke to charge in the direction of the Zolani Centre.

"He then turned and aimed his gun and from where I was it looked as if he was shooting at the comrades in the direction of the Zolani Centre. The witdoeke then surged forward on to Zolani Centre."

Dr Blecher said about four other witdoeke came from the other refugee tents after this and all the tents were aflame.

"All this was done a mere ten to 15 metres away from a stationary Casspir. The policemen in the Casspir did nothing to prevent the tents being burned, nor did they take any action whatsoever against the witdoeke who burned the tents," he said.

The hearing continues.

Mr Justice M R de Kock presided. Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

Policeman 'pointed witdoeke', says lecko doctor

CITY/NATIONAL

Supreme Court Reporter

A policeman on a Casspir beckoned to "witdoeke" and then pointed towards the Zolani Centre with his firearm, the Supreme Court heard.

Dr Mark Blecher was giving evidence in the R312 000 damages claim by residents of KTC squatter camp against the Minister of Law and Order for allegedly assisting, alternatively failing to prevent, attacks by "witdoeke" which destroyed their camp last year.

Dr Blecher said he was tending patients at the Divisional Council clinic near the Zolani Centre on June 9 when he saw various incidents through the window.

Among these were a brief skirmish between "witdoeke" and "comrades", a "witdoek" pouring liquid on a refugee tent and setting it alight, and the beckoning policeman.

In cross-examination, Mr G D Griessel SC, for the Minister, said evidence would be that the policeman had been shot and was gesturing to fellow-policeman Major (Dolf) Odendaal.

Dr Blecher said people at the clinic later said Zolani Centre was burning.

"After the 'witdoeke' had moved down the road, a nursing sister and I went there," he said.

"Her car was burning (in the centre's grounds). The building was burning. Bits of roof exploded and flew into the air."

Dr Blecher, who said he had worked in Crossroads for 18 months, said he was "absolutely astounded" that police had done nothing to stop the "witdoek" actions.

"They were clearly the aggressors and it was clear to me that the job of any peace-keeping force would be to contain this aggression.

"It seemed police were assisting them."

"Most of the 'opponents' were in fact residents of KTC, not particularly involved with any organisation.

"They were faced with the destruction of their homes and everything they owned. They were there to protect these things."

"Eat soap"

Dr Blecher said he was aware that followers of (Crossroads leader) Mr Johnson Ngxobongwana had been assaulted and made to eat soap for not sticking to a consumer boycott, before alleged "witdoek" attacks destroyed Nyanga Bush and Portland Cement areas in May 1986 and KTC the following month.

"Such actions were not only perpetrated on Ngxobongwana-

"The opinion I gained in the months I worked in Crossroads was that there were many youths, some non-affiliated and others belonging to organisations like the Cape Youth Congress (Cayco).

"Youths stoning and burning might not have belonged to any organisation."

The hearing continues today.

Mr Justice de Kock was on the Bench. Mr S Aaron SC, with Mr P Pretorius and Mr A Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw, instructed by the State Attorney, appeared for the Minister

Cape Times 4/11/87

Churchgoers found boy's body in river

275

Own Correspondent

GRAAFF-REINET. — A man going to church with his girlfriend found the body of a boy lying in the Great Fish River, the Supreme Court heard yesterday.

Mr Joey Ndunyana was testifying at the trial of two unrest unit policemen, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice.

The state alleges that Mr Wheanut Mlungisi Stuurman was "taken out" next to the river on July 26 last year after he was too badly injured during "interrogation" to release or detain.

Mr Ndunyana said that on Sunday, July 27 last year he and his girlfriend, Miss N Maseti, were going to church on a farm nearby about 10am.

As they prepared to wade the river, Miss Maseti said: "Look, there is a child in the river." He saw a body floating face down about two metres away.

He later returned with the police. He noticed the body had a wound in the left cheek and a bandage wrapped loosely around the head and neck.

The feet were on the shore, the chest on a sandbank and the head in the water. Seeing bloodspots on the reeds nearby, he realized the body had not been washed down the river.

Detective-Sergeant G T Smith said he also noticed the cheek wound, bloodspots on the reeds and higher up the bank, a number of boot tracks.

When he returned with the investigating officer, Major G P S Goosen, the next morning, he found a spent 9mm shell at the scene.

The trial continues today.

Policeman's wife cried at his arrest

Own Correspondent

GRAAFF-REINET. — A policeman's wife broke into hysterical tears when she heard he was being arrested and detained, the Supreme Court heard yesterday.

The investigating officer, Major G P S Goosen, was giving evidence in the trial of two unrest policemen, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26.

WO De Villiers and Const Goosen are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice, arising out of alleged incidents when a 10-man squad under WO De Villiers went to Cradock to monitor a funeral on July 26, last year.

Major Goosen said he went to Const Goosen's flat in Algoa Park on August 28 last year to arrest him. At the door he told Const Goosen he was to accompany him to Cradock and he should bring clothes because he might be arrested and detained.

Const Goosen's wife packed for him. When Major Goosen told her Const Goosen was being arrested, she broke into hysterical tears.

At Cradock Const Goosen was detained alone in a cell. The major said that although he and Const Goosen had the same surname they were not related, but as they were both policemen he arranged to have Const Goosen "treated a bit better than usual". He saw to it that Const Goosen had clean blankets, a chair for his physical exercise programme and that he was allowed to shower and eat at the police club.

The trial continues.

Cnt Trials 5/10/87 (307) (275) (307)



FLASHBACK . . . This photograph was one of 56 taken by Guy Tillim in KTC on June 9 and 10 last year and handed in as court exhibits yesterday. It shows a police Casspir in Dune Road metres from armed witdoeke, one of whom appears to be coming out of a shack.

Photos of KTC destruction shown to court

Supreme Court Reporter

SCENES from the destruction of KTC camp in June last year, allegedly by armed "witdoeke" helped by police, were shown to the Supreme Court yesterday in a series of photographs taken by freelance photographer Mr Guy Tillim.

A file of photographs and contact sheets showing their sequence was handed in to court and Mr Tillim spent all day in the witness box describing and elaborating on what his photographs showed.

He is the eighth witness to give evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 of the families who lost their homes when KTC was destroyed.

Some 3 198 similar suits against the minister, with claims totalling over R5 million, are pending and may depend on the outcome of the action.

Mr Tillim echoed previous witnesses, saying police had taken no action to protect KTC residents and their property or to curb the witdoeke.

The only police action he witnessed was taken against fellow journalists who were arrested, against residents of KTC who were teargassed, and against residents of adjoining areas — including women and children — who were teargassed while they were "merely looking on" from a distance at the destruction in KTC.

Mr Tillim also told the court that people trying to take down some St John Ambulance tents pitched near the burning Zolani Centre "would run and hide" when police vehicles appeared

The hearing was adjourned till Monday at the request of counsel for the minister.

Mr Justice M R de Kock presided Mr S Aaron SC, with Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs Mr G D Griessel SC and Mr L Visser SC with Mr F D J Brand and Mr C Y Louw, instructed by the State Attorney, appeared for the minister

Major denies accused policeman under duress

GRAAFF-REINET. — Major G.P.S. Goosen, investigating officer in the trial of two unrest-squad policemen on charges of murder, denied he had told one of the accused that if he did not make a statement he would lose his police flat, his medical aid and his allowance.

Before the Supreme Court sitting here were Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

Major Goosen was testifying in the trial-within-a-trial that was ordered after the defence had disputed the admissibility of a "pointing out" and explanations given by Constable Goosen.

The defence alleges that Constable Goosen made the statements and pointed out various scenes as a result of duress and undue pressure from Major Goosen.

Major Goosen said he went to Constable Goosen's flat in Algoa Park on August 28 last year, nearly a month after Constable Goosen and W/O de Villiers first appeared in court on one of the murder charges and nearly two weeks after he finished interviewing all the witnesses.

Hysterical tears

After Constable Goosen had been taken to the car, he went back and told the man's pregnant wife that he had been arrested. When she broke into hysterical tears, he turned and walked away. In the car, he told Constable Goosen that he had been arrested.

Cross-examined, he conceded that the purpose of the arrest was to interrogate Constable Goosen and get him to make a statement.

At Cradock, he questioned Constable Goosen on three separate occasions that afternoon. Each time, he warned him according to Judge's Rules Constable Goosen denied knowledge of all the charges except the shooting.

He was adamant that he did not ask Constable Goosen for a statement that afternoon.

He had Constable Goosen locked up alone in the police cells after telling him to "go back to the cell, think about it, reconsider your position and tell me tomorrow if you wish to make a statement".

He denied that he had told Constable Goosen that if he did not make a statement he would lose his police flat, his medical aid, his allowance and that he should think of his pregnant wife.

He denied that he refused to let Constable Goosen telephone his wife. He said he telephoned her himself, but Constable Goosen was too overcome to speak.

He agreed that he would not have let Constable Goosen speak to his wife in private.

The trial continues on Monday.

Mr Justice Zietsman is on the Bench with Mr B P Loots and Mr J van der Riet as assessors. — Sapa.

Major told constable to think it over in cell

Own Correspondent

GRAAFF-REINET. — Major G P S Goosen, investigating officer in the trial of two unrest policemen charged with murder before the Supreme Court here, denied he had told one of the accused that if he did not make a statement he would lose his police flat, his medical aid and his allowance.

Before the court were Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, charged with murder, assault and attempting to defeat the ends of justice.

In a trial-within-a-trial, the defence alleges that Const Goosen made statements and pointed out various scenes as a result of duress and undue pressure from Major Goosen.

Under cross-examination, Major Goosen said he had Const Goosen locked up alone in a police cell after telling him to "go back to the cell, think about it, reconsider your position and tell me tomorrow if you wish to make a statement".

He denied refusing to let Const Goosen phone his wife. He said he phoned her himself, but when he offered the telephone to Const Goosen he was too overcome to speak.

Bonteheuwel children freed, no charges laid

By CHRIS BATEMAN

EIGHT of the 17 Bonteheuwel children arrested in connection with "over 300 serious crimes" over the past two months have been released without being charged, police said yesterday.

However, police could not say whether two Bonteheuwel teenagers released last week after a month in jail were among the 17 — dubbed the "Bonteheuwel Military Wing" by Minister of Law and Order Mr Adriaan Vlok.

Mr Vlok claimed during a speech in Boksburg last month that "a gang of teenagers" in Bonteheuwel, some of whom had received weapons training, had been arrested in connection with more than 300 crimes, including arson, attempted sabotage and attacks on the homes of policemen.

Brigadier Leon Mellet, a spokesman for Mr Vlok, speaking from his home last night, declined to disclose the number of Bonteheuwel children still in detention, saying this "could hamper the investigation".

However later, a police directorate of public relations spokesman, Lieutenant Peet Botma, said he had contacted senior security police officers who said that eight of 17 Bonteheuwel children originally linked to the crimes had been released.

The two 14-year-olds released last week are Fuad Hartzenberg, a Std 4 pupil at Cedar Primary in Bonteheuwel, and Lorenzo Brown, a shop assistant.

According to Fuad's mother, Mrs Shamiela Hartzenberg, her son had gone into hiding to avoid being redetained.

Brig Mellet said the investigation was continuing and would be "lengthy". Some of those arrested would be witnesses.

Restraint order on 'kitskonstabels' granted by court

Supreme Court Reporter

RESIDENTS of the Eastern Cape town of Hofmeyr about 60 km north of Cradock, are living in fear of attacks by special constables, the Supreme Court has heard.

This was said in papers in the Grahamstown Supreme Court when 14 special constables were temporarily interdicted and restrained from illegally arresting, detaining, assaulting, threatening or intimidating residents of Hofmeyr.

The temporary order was granted by Mr Justice Kroon after an urgent application by the residents: Mr Mbhithi Fuba, Mr Mondile Duna, Mr Patrick Methule, Mr Winana George Tasana, Mr Simile Luvuyo Jaya, Mr M Ndenzile Mantla and Mr Kaya Nohatla.

The matter was postponed for the filing of further papers.

Mr Rob Watson, a research assistant at the University of Cape Town's Institute of Criminology, who took affidavits from Hofmeyr residents, said they alleged they had been intimidated and humiliated when they tried to lay charges agains "kitskonstabels" for allegedly unlawful assaults.

On October 30 this year he and an advocate, Mr Graham Taylor, who were gathering information in the area for an interdict application, received an assurance from the acting station commander at Hofmeyr, a Warrant Officer Pretorius, that he would see that his men would not take part in unlawful acts, Mr Watson said.

"The next day residents informed me that after we had left the township the 'kitskonstabels' had 'gone on the rampage' and shot seven people without apparent lawful reason.

"A 14-year-old girl ran from shots in the dark and at home found she had multiple gunshot wounds in her back, face, neck, arms and hand."

tions and a good work record. — Sapa-AP-Reuter

CMG Times 11/11/87

Judge to rule on 'intent' argument

Supreme Court Reporter

THE whole purpose of the emergency regulations is to "protect unlawful behaviour", the Supreme Court was told yesterday by counsel for a special constable accused of assault and murder.

Mr G M Wittenberg was arguing that special constable Mr Cebisile Mkohle should not be prosecuted because Section 16 of the regulations protected security force members from criminal or civil suits arising from acts committed in good faith for purposes of maintaining public order or ensuring public safety.

The case arises from an incident in Old Crossroads about 2.30am on January 24 in which Mr Jackson Nokoyo was fatally wounded.

Mr Wittenberg said Section 5(2) of the regulations empowered any member of a force to search "at any time without warrant any person", and "good faith" was presumed by the regulations unless proved not to exist. Therefore the only issue to be decided in determining whether Mr Mkohle's deeds fell under the protection of Section 16 was his intent.

"The whole purpose of the emergency regulations is to protect unlawful behaviour. If they were designed only to protect lawful behaviour there would be no point to them since lawful behaviour is already protected," Mr Wittenberg said.

Mr Justice D M Williamson said he hoped to give a ruling on this preliminary point at 2.15pm today.

Mr C H van Gend and Mr W A King were assessors. Mr J H Theron appeared for the state. Mr G M Wittenberg appeared pro Deo for the accused.

Matric pupil loses appeal

Education Reporter

SOUTH Peninsula High School pupil Bradley van Niekerk, 18, who is writing matric, has lost his appeal against a 12-month prison sentence for public violence.

He was convicted in Cape Town Magistrates' Court in November 1985 after an incident in Kensington on October 23, 1985.

An application to appeal to the Appellate Division was turned down and teachers, pupils and parents formed the Save Bradley from Prison Committee to petition the Chief Justice for permission to appeal.

The Chief Justice, who was handed a petition of 25 000 signatures, gave him permission to appeal in September, 1986.

This appeal was turned down yesterday.

A committee spokesman said today Bradley has been the focus of a campaign started by his school's Parent-Teacher-Student Association to draw attention to the "harsh sentences imposed on many people convicted of public violence".

'I was afraid of police,' says witness

By SHAUNA WESTCOTT
Supreme Court Reporter

AN elderly man, who said he was hounded out of Old Crossroads by witdoek leader Mr Johnson Ngxobongwana, told the Supreme Court yesterday he was "afraid of the police because they do not do their duty".

Mr James Gawuluteta was giving evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when most of KTC was destroyed in June last year.

He told the court he was born in 1922, came to Cape Town in 1940, had never been to school, could not read but could write his name.

He was once a member of the Old Crossroads committee but left Crossroads after he was "attacked by Mr Ngxobongwana", finally settling in 1984 with some 400 other people in what grew into KTC.

Asked who was responsible for destroying their shelters, he said: "The Administration Board and the police — the usual story."

Mr Gawuluteta was "in the homelands" when the three satellite camps of Nyanga Bush, Nyanga Extension and Portland Cement were burned down in May 1986, arriving back two days before the attack on KTC was launched.

On that day, Monday, June 9, he woke to a great commotion. People were screaming: "The witdoeke are coming."

He went towards the Administration Board offices to see what was happening and saw "a lot of people and Casspirs".

Two Casspirs pulled up. Warrant Officer Hendrik Barnard and "a short man" descended from one of them. WO Barnard said he wanted a spokesman and Mr Gawuluteta stepped forward.

Mr Gawuluteta said he asked WO Barnard where the witdoeke were going.

"He said they are not coming to us, he is going to tell them to turn back, he has already spoken to them."

Mr Gawuluteta said he heard the Rev Sid Luckett, whom he knew well, say to WO Barnard: "Mr Barnard don't tell lies. Those people are going to KTC." WO Barnard then pushed Mr Luckett in the chest.

Teargas was thrown and Mr Gawuluteta ran. He didn't go to his house because he was afraid of the police.

ARGUS 12/11/87 (275) METROPOLITAN

Special constable tells court of shooting

Supreme Court Reporter

A SPECIAL constable who has not yet pleaded to murder and assault charges told the Supreme Court he shot a man in self-defence when he pointed something at him in the dark.

This was heard during an inquiry into whether Mr Cebisile Mkohle, 34, was entitled to protection in terms of a clause in the emergency regulations which protected members of the security force from criminal or civil suits arising from acts committed in good faith for purposes of maintaining public order or ensuring public safety.

Earlier, Mr Justice Williamson ruled that the State's summary of facts was insufficient information for him to form an opinion whether Mr Mkohle was protected by the emergency regulations.

Because the accused was entitled to a decision on this question before pleading, the only practical way to determine the issue was to conduct an inquiry into it, the judge said.

Awakened

Mr Mkohle said that about 3am on January 24 this year he was awakened by voices outside his house.

He thought the group of 10 men outside might attack him for being a special constable and challenged them, but they gave no answer

Mr Mkohle said "I cocked my service gun twice and they ran to a nearby house where a party was being held"

Soon afterwards he beat Ms Nomute Mthwazi, who said she had come from the party, on the buttocks with a stick because he thought she should have been at home looking after her child.

Mr Mkohle is facing a charge of assaulting Ms Mthwazi

Immediately after this incident, Mr Mkohle said, three men approached to within five paces of him One of them insulted him

"One of them pointed something, which I took to be a gun, at me from his shoulder. I thought he was going to shoot me.

"I didn't wait any longer and fired a shot."

(Proceeding).

Electrical fault may have caused blaze

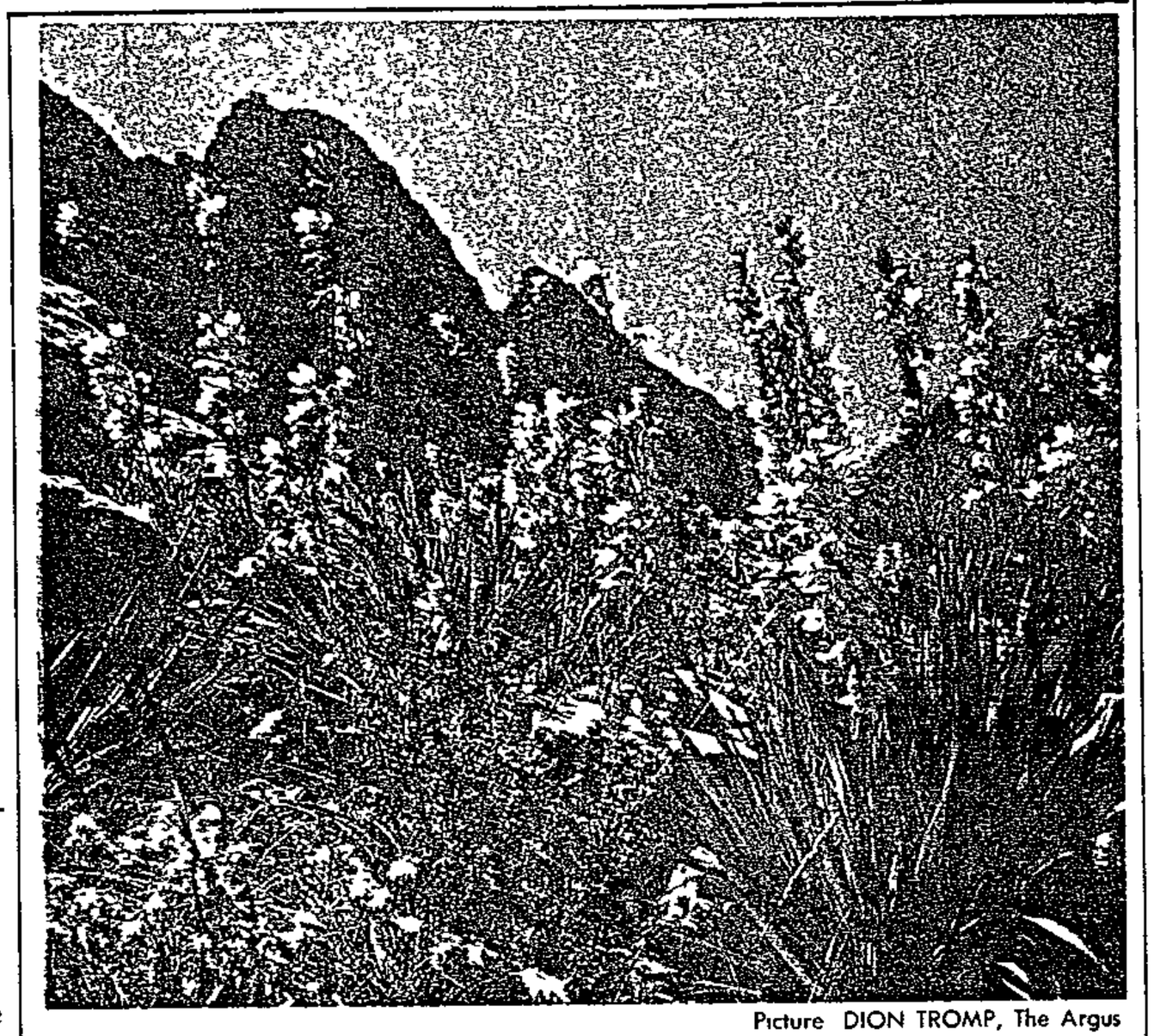
Staff Reporter

AN electrical fault is believed to have started a fire which destroyed a study-cum-sewing room at a house in Brackenfell, causing damage estimated at R35 000

The Brackenfell fire brigade put out the fire at the home of Mr Douglas Petrie in Wincraig Road about 8.30 last night.

Mr Petrie's son, Douglas, 27, was taken to the Tygerberg Hospital in a state of shock. His condition today was satisfactory.

The room's contents, including video recording equipment, sewing machines, leather-bound law books dating back to 1934 and a large collection of stamps, were destroyed.



Picture DION TROMP, The Argus

NATURE'S RENEWAL: Phoenix-like, these lovely pink watsonias are some of the many wild flowers which have risen from the charred, blackened slopes of Table Mountain above Camps Bay. The mountainside was devastated by a huge fire which raged across 450 hectares last December, prompting fears of permanent damage to the fragile ecology. However, the Cape's unique fynbos vegetation is well-adapted to fire and many species are thriving in the burnt area. Conservation officials have appealed to sightseers to keep to paths to avoid further erosion.

Season's first cherries: Luxury fare, high price

Policeman hit woman on buttocks, court told

Cape Times 12/11/87

Supreme Court Reporter

A SPECIAL constable accused of assault and murder told the Supreme Court yesterday that he hit a woman on the buttocks late at night after asking her: "Who looks after the child at this time of night?"

Mr Cebisili Mkohle was giving evidence in a judicial inquiry into whether he is protected from prosecution as he claims, by emergency regulation number 16.

This followed a ruling by Mr Justice D M Williamson, who said there was insufficient information in the prosecution's summary of substantial facts for him to be able to decide whether Mr Mkohle was so protected.

It is alleged that Mr Mkohle hit a woman in Crossroads with "a blunt instrument" and chased her. He returned and wanted to know from another female member of the group why she was out so late. The woman's boyfriend entered the exchange, whereupon Mr Mkohle allegedly lifted his shotgun and fired, wounding Mr Jackson Nokoyo fatally in the neck.

But Mr Mkohle said he was in bed on the night in question when he was woken by the sound of voices outside his door about 3am. He went to the door with his gun.

There were about 10 men outside, but they fled when he cocked his gun

"Just then I noticed a woman I knew. I asked her where she was coming from at that time. She said from a party. I asked her 'Who looks after the child at this time of the night?' and I picked up a stick and beat her once on the buttocks and she ran away," he said.

"As I was turning round I noticed three men approaching I noticed one pointing something at me which I took to be a firearm." Mr Mkhole said he had fired a shot and one man fell to the ground.

Mr J H Fheron appeared for the state Mr G M Wiltenberg appeared pro Deo for Mr Mkohle

Laaiplek violence — six men jailed

Staff Reporter

SIX men have been jailed after a weekend of violence at Laaiplek on the West Coast earlier this year.

The violence on January 3 and 4 was sparked by a racial incident at a café and in the flare-up which followed teenager Jonathan Slabbert died, shot in the head.

Constable Pieter van der Merwe died in hospital after being struck by a stone.

Five men were convicted of arson and malicious damage to property and sentenced in Vredenberg Regional Court last week.

Clive Liebenberg, Esau Coetzee, Adrian America, Morgan Blaau and Ralph Carolus were each sentenced to five years' imprisonment, with two years' suspended

They pleaded guilty to charges of attempting to burn down the café with petrol bombs and causing about R3 000 damage.

Liebenberg was sentenced to a further two years, with 18 months suspended, for malicious damage to property when he stoned a car.

Stanford Don was sentenced to three years' imprisonment, with 18 months' suspended, for smashing the café's windows.

Cape Times 16/11/87 975

Township's reign of terror claim

By SHAUNA WESTCOTT
Supreme Court Reporter

LAWYERS acting for Oudtshoorn's Bongolethu Civic Association have expressed concern that February 18 is the soonest the Supreme Court can hear an application for an order restraining local special constables from an alleged reign of terror.

The matter began in July with an application for an urgent interdict against the special constables.

The application was opposed by police but the Divisional Commissioner for the South-Western Cape gave an undertaking, noted by the court, that he would instruct police — specifically 16 special constables — to refrain from unlawfully arresting, assaulting or intimidating Bongolethu residents.

The 16 special constables themselves gave a similar but more detailed undertaking.

Trusting that the undertakings would be honoured, the association agreed to the police request for a postponement to allow time for the filing of opposing affidavits.

However, residents allege that the special constables continue to inflict on them what Bishop Elliot Maseti of the local Bantu Zion Church of Africa describes as "a reign of unchallengeable terror and unbearable oppression".

Police deny all these allegations of misconduct and say that "radical" elements in the community are out to discredit the special constables who have a "vital and useful function in maintaining law and order".

The Minister of Law and Order, Mr Adriaan Vlok, makes this claim in his affidavit although he admits that he "has no personal knowledge of the basis of the application or the facts that form the basis of the respondent's defence".

More than 40 affidavits from residents describe alleged unlawful behaviour by special constables ranging from drunkenness and insults to life-threatening assaults.

In one of the affidavits, Mr Moses Mooi, former chairman of the local community council, says he has come to the "sad conclusion, after many years of discussions and many broken promises on the part of the administration board, that I and the members who served on the council had achieved nothing for the people.

"From the way that the kitskonstabels have behaved in the township, I regard them more as a danger to the well-being of our community than as 'peace-officers'," he says.

"I have no personal vendetta against the kitskonstabels. In fact some of them are my friends. However, I have serious reservations about their suitability for the job.

"I know that most of them have very poor education. This deficiency would not be so serious were they able to show personal discipline. They do not seem to be adequately trained and more often than not I have seen them to be drunk.

"I consider it highly dangerous to entrust deadly weapons to people who are undisciplined and insufficiently trained ...

"They also seem motivated by revenge and direct their animosity at specific people."

A large number of the people who filed affidavits say complaints or attempts to lay charges against special constables with ordinary members of the local police are futile.

EIGHTY percent of Bongolethu residents interviewed by a UCT research team feel that special constables "treat residents badly", according to a survey report filed in support of the Civic Association's application.

Only 2% feel special constables treat residents well.

The survey was conducted in October by Ms Beatie Hofmeyr and Ms Tammy Shefer, of UCT's Institute of Criminology and Department of Psychology respectively.

Among other findings of the survey are:

● A total of 64% of Bongolethu residents feel less safe from crime after the introduction of special constables.

● Aggressive behaviour by special constables against residents is reported by 70% of people interviewed.

● As many as 65% of residents interviewed said they had personally witnessed special constables beating people.

● A total of 48% reported seeing special constables pointing guns at residents more than once a month.

● Incidents of special constables shooting people without apparent reason were witnessed personally by 31%. ● Drunkenness on duty was one of the most common complaints.

● Activists report being "under siege", saying the special constables make it almost impossible for legal community organizations to continue operating.

● A number of women reported that special constables threatened or attempted rape and sexual abuse.

Six Laaiplek men jailed for arson

Staff Reporter

SIX MEN, including the brother of a Laaiplek youth killed in racially linked violence in the West Coast village around New Year, have been jailed for arson.

The convictions came in Vredenburg Magistrate's Court last week, 11 months after a racial incident in the Oase Cafe when a white man said to a youth "julle Hotnots moet loop" (you Hotnots must get out).

The incident sparked a weekend of violence on January 3 and 4, which left 17-year-old Jonathan Slabbert dead.

The day his death, a policeman, Constable Pieter van der Merwe, 34, died after a stoning incident, when about 400 Laaiplek residents gathered outside the police station to demand the arrest of a man believed to be responsible for the youth's death.

They told the court they were so incensed by Jonathan's death that they decided to take revenge.

They admitted making petrol bombs and setting alight the local cafe causing about R3 000 in damage.

The dead youth's brother Esau Coetzee, Clive Liebenberg, Adrian America, Morgan Blaau and Ralph Carolus were each jailed for five years (two years suspended) for arson.

Standford Don received a three-year jail sentence (18 months suspended) for smashing the cafe windows.

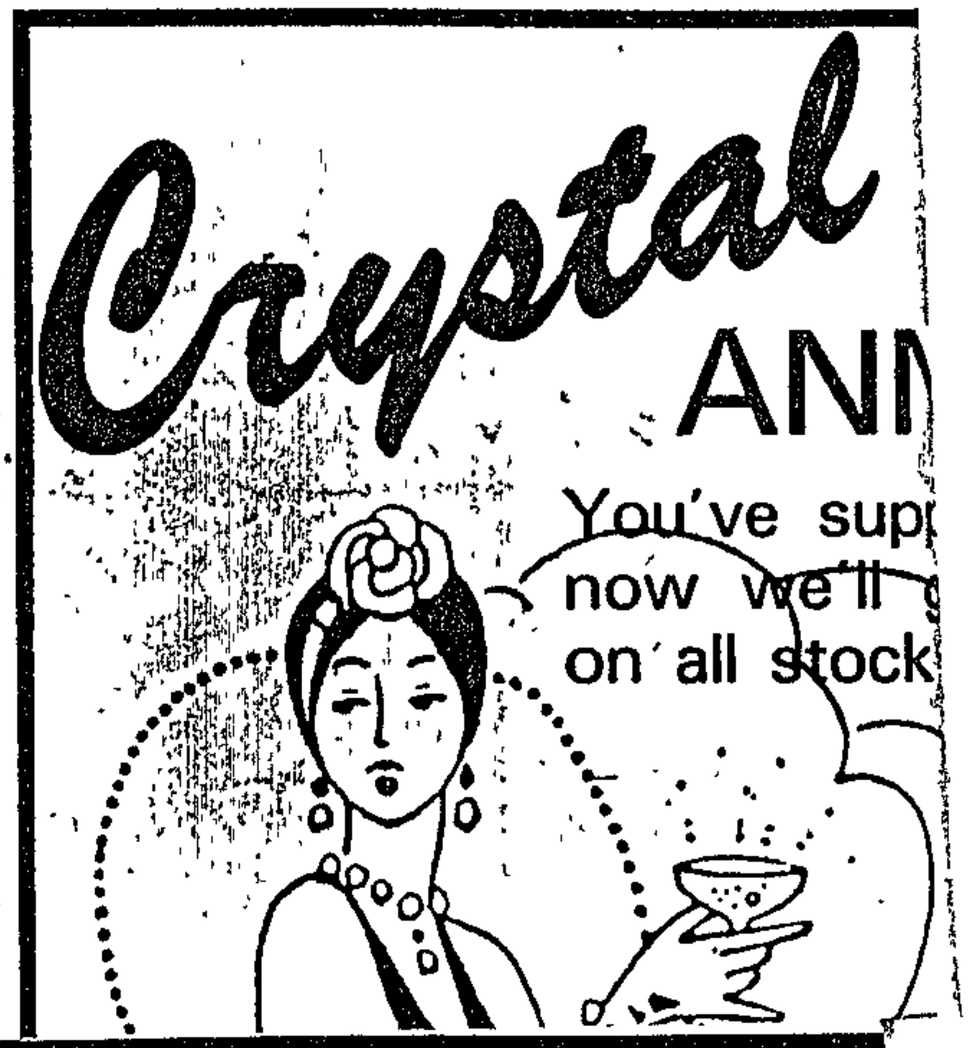
area would be tackled first.

Two die in PE violence

PORT ELIZABETH. — Two more men have died and a boxer is missing after a new outbreak of fighting between United Democratic Front affiliates and the Ama-Afrika movement in the Khayelitsha township at Uitenhage this week.

Yesterday the whereabouts of a missing boxer, Mr Vuyisile Ngalo, 18, were still not known.

Their deaths come after an Uitenhage boxer, Mr Mzonke Befile, 16, was shot dead by four gunmen during the disruption of a boxing tournament in Kwanobuhle. — Sapa



be spread out over the suburb rather sale, he said.

Third body found at squatter camp

CT Times 17/4/87

By CLARE HARPER

THE body of a third KTC man was found in the squatter camp yesterday morning — but police said they do not suspect any connection between his death and the two men shot dead at the weekend.

A police spokesman, Captain Jan Calitz, said Mr Mike Ndwalaza, 33, of M1161 A, KTC, had been found dead at 6.30am yesterday. He had been stabbed in the chest with a sharp object.

One of the men shot dead at KTC at the weekend has been identified as Mr Stanford Nkosana, aged about 45. He was a member of the KTC "steering committee" which is affiliated to the UDF.

Police have not yet identified another man in his early 20s, believed to be a Cape Youth Congress member, with a Rastafarian hairstyle.

Rape of girl, 9, alleged

Court Reporter

A PARKWOOD man pleaded not guilty in Wynberg Regional Court yesterday to raping a nine-year-old girl who he claimed was "willing". Mr Jacob Adams, 29, of Gull Road, initially pleaded guilty, but the magistrate, Mr J H Venter, changed his plea to not guilty. The hearing was adjourned to November 23. Mr N C Erasmus prosecuted.

The Facts

IN a report in the Cape Times yesterday about the launching at a banquet in Johannesburg of the official Dias Festival book, it was stated that the Administrator of the Transvaal, Mr Willem Cruywagen, was the host. The host was Mr Barney Hurwitz, chairman of Clinic Holdings Ltd, which is sponsoring the book and the Clinic Dias yacht race from Lisbon to Cape Town. Mr Cruywagen, who launched the Dias book on Friday night on behalf of the Cape Administrator, Mr Gene Louw, was the guest of honour at the banquet.

UCT to test subsidy laws too

CT Times 17/4/87

Education Reporter

THE University Council of UCT has decided in principle to test the validity of the De Klerk subsidy conditions in the Supreme Court, the registrar of UCT, Mr Hugh Amoore, said yesterday.

Mr Amoore said that senior counsel had been briefed to prepare papers for an application "which the administration hopes will be heard in the courts at the earliest opportunity".

The University Council of Natal took a similar decision earlier this month.

In a joint statement, Natal council chairman Mr Graham Cox and vice-chancellor Professor Peter Booysen said their council was going to challenge the validity of the laws after taking legal advice and carefully considering the consequences of accepting the minister's right to exercise political control over its affairs.

ARGUS 17/11/87

New death raises township shootings toll to nine

Crime Reporter

A NINTH person has died in Peninsula townships, the latest in a series of apparently motiveless killings in the past three weeks.

A 25-year-old man was fatally shot in KTC squatter camp. He died yesterday.

He left his home in KTC with two other people about 10pm on Sunday. About midnight, his girlfriend was told he had been wounded. He died in hospital.

Earlier, police said another man was found murdered in KTC yesterday. He was Mr Michael Ndwalaza, 33.

WEAPONRY

Mr Ndwalaza was last seen alive about 10pm on Sunday night.

The deaths of the two men follow the shootings of Mr Standord Nkosana, an official of the UDF-affiliated Western Cape Civic Association, and another man on Friday night or early Saturday morning. The other man has not been identified.

Police see nothing sinister in the apparent increase in the number of township shootings. They say it reflects the use of more sophisticated weaponry.

Some of those who have died are community leaders.

The first death was that of Mr John "Boy" Mafunga, secretary of the Cape Town Committee, who was gunned down while sitting in his combi outside his butchery in Guguletu on October 30.

FIRED WILDLY

On November 6, a special constable and two women were shot dead in Khayelitsha. Another constable and a woman were wounded.

It is thought that this attack was directed at the constables and the women were wounded when the gunmen fired wildly.

Police reported finding a magazine from a 9mm pistol but it is understood an R4 rifle might also have been used.

Last week, a 24-year-old Guguletu man was gunned down at the intersection of NY50 and NY21 in Guguletu.

Police said no arrests had been made in connection with the killings.

CAPE TIMES 18/11/87

Political link in township slayings?

Crime Reporter

POLICE are looking into a possible political connection following a series of killings in KTC and Guguletu over the past three weeks.

An unidentified 25-year-old KTC resident, who was found shot near his home on Sunday night, died in Somerset Hospital on Monday, bringing to nine the total of known killings in KTC and Guguletu during the past three weeks.

Police liaison officer Captain Jan Calitz said yesterday the man had been fetched at his home by two men soon after 10pm on Sunday.

He left with the two men, and at midnight an unidentified man came to tell his girlfriend that he was lying about 50m from the house, bleeding from wounds in the chest.

After the man had been admitted to Somerset Hospital it was found that he had been shot and that the bullets had passed right through his body, Captain Calitz said.

He confirmed that police, aware of the other killings over the past few weeks, are looking into a possible political connection.

● On October 30 the secretary of the Cape Town Town Committee, Mr John "Boy" Mafunga, was shot while he and a friend were sitting outside a butchery in Guguletu.

● On November 6, a special constable was killed in a gun battle in KTC and his colleague wounded. Two teenage girls, Miss Nomvuyo Khasibe and Miss Cingelwa Tshoba, were killed in the crossfire and their older friend, Miss Xoliswa Matiwane, was injured. Police, who found a 9mm magazine at the scene, believe that an R4 rifle may have been used in the shooting incident.

● On November 12 an unidentified man was shot dead at the corner of NY50 and NY21 shortly before 10pm.

● On November 15 the bodies of Mr Mr Stanford Nkosana, in his mid-40s, and an unidentified man in his early 20s were found shot to death in KTC. Mr Nkosana was a member of the KTC "Steering Committee" which is affiliated to the UDF.

● On Monday, 33-year-old Mr Michael Ndwalaza, who was last seen alive on Sunday, was found stabbed to death in KTC.

Two shot dead in KTC power struggle

Crime Reporter

TWO men, thought to be members of the steering committee of the Western Cape Civic Association, have been shot dead in an apparent power struggle in KTC squatter camp.

Their death yesterday bought to six the number killed in KTC in less than a week.

They may have been killed for revenge.

One of the earlier victims was Mr Stanford Nkosana, also an official of the association.

Police said today they did not think all six deaths were related.

A spokesman said the names of the latest victims had not been established.

However, Mr Jan van Eck, independent MP for Claremont, who spent yesterday trying to establish what was happening in the camp, said he believed they were members of the UDF-affiliated steering committee.

Police said the men were found about 1pm, one in an alley and the other on a bakkie.

2 dead, child hurt in KTC clashes

By CHRIS BATEMAN

FIGHTING between the Western Cape Civic Association and the Masincedane Committee at KTC yesterday left at least two people dead and several wounded, including a three-year-old girl who was shot in the arm.

The fighting began on Monday. Most of the youth are now sleeping outside KTC.

Unconfirmed reports said four men died yesterday. Police confirmed that two unidentified men, aged about 30, died of bullet wounds. Murder dockets have been opened.

Township sources said a standing committee of the Western Cape Civic Association was installed in KTC last month.

Bodies found in alleyway

Tension between the Masincedane Committee, which claims to represent the people of KTC, and the Civic Association has been growing for several months with occasional outbursts of violence.

Reliable sources at the Guguletu Day Hospital yesterday said an unidentified three-year-old girl had been treated for a bullet wound in the arm and discharged.

Police spokesman Major Jan Calitz said the bodies of the two unidentified men were found in an alleyway and in the back of a bakkie at the KTC camp just before 1pm. Motives for the killings are unknown.

A Cape Times team visited the scene of one shooting just before 2pm and saw the bloodied body of a man lying in the back of a bakkie near the Masincedane headquarters. They were then ordered from the area by police.

Natal arrests 'not political', say police

CHR Times 20/11/87

Own Correspondent

MARITZBURG. — Police have rejected claims that the swoop on UDF and Cosatu members here was aimed at destroying talks to resolve the unrest in the townships.

Brigadier Jan Kotze, divisional commissioner of police for Natal Inland, confirmed that UDF and Cosatu supporters had been arrested, but said they had not been arrested because of their political affiliations.

Police spokesman Captain Pieter Kitching said 29 people had been arrested in the Plessislaer and Edendale areas since Tuesday in connection with unrest-related crimes.

In another development, a spokesman for the Pietermaritzburg Agency for Christian Social Awareness (Pacsa) said two part-time employees and eight youths had been arrested at the Pacsa office in Berg Street.

The spokesman said Mr Siphwe Khanyile, 20, a crisis field worker, and Mr T Mhlotshwa, an exams crisis committee field worker, and eight youths were taken away about 9.45am.

Cpt Kitching confirmed that nine people were later released. One person had been detained in connection with certain criminal charges, he said.

Meanwhile, Sapa reports that Inkatha youth leader, Mr Musa Zondi, yesterday invited the UDF for fresh talks aimed at restoring peace.

● Four Inkatha members were temporarily restrained from committing acts of violence against two Imbali residents following an urgent application in the Supreme Court in Maritzburg yesterday.

The application was brought by Mr Alfred Zulu and Mrs Doreen Ngubane on behalf of their minor children.

The order restrains Mr Abdul Awetha, Mr Wesemi Awetha, Mr Zondi and Mr Dlamini from assaulting or threatening the children, intimidating and/or unlawfully communicating with them.

● Yesterday's unrest report from Pretoria said a man was stabbed to death in Mpumulanga, Hammarsdale, when several people stormed his home. The mob then set his home on fire, causing severe damage.

A petrol bomb was hurled at a private dwelling at Ashdown. A man and two youths were arrested.

Witdoek film shown in court

Cape Times 24/11/87

Supreme Court Reporter

SOME of a group of witdoeke — two of whom had been firing handguns at KTC residents minutes earlier — waved cheerily at a police Casspir which drove past them on the day KTC began to burn, the Supreme Court heard yesterday.

This was the evidence of CBS cameraman Mr Chris Everson. He is the tenth witness to give evidence in a R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when KTC was destroyed.

The minister is being sued on the basis of an allegation that police helped witdoeke destroy the camp.

Mr Everson, who was filming the start of the witdoek rampage on June 9 last year, said: "I remember seeing a yellow Casspir coming past the two armed witdoeke near the combi. Two or three men waved at the Casspir as it came past. There was no one else present that they could have waved at."

He saw two witdoeke firing handguns at KTC residents from behind a parked combi. Film of this was shown in court.

The trial continues.

Mr Justice M R de Kock presided. Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

TV cameraman tells court of looting, shooting at KTC

Witdoeke 'fired on me'

Supreme Court Reporter

TEARGAS was fired from a Casspir on June 9 last year at KTC residents trying to save their belongings in an area where there was no fighting, the Supreme Court was told.

This was evidence yesterday in the R312 000 damages claim against the Minister of Law and Order by KTC residents who allege the police assisted in, or alternatively failed to prevent, attacks by "Witdoeke" vigilantes on June 9, 10 and 11 last year.

CBS News cameraman Chris Everson said that after filming clashes between Witdoeke and KTC residents he saw a Casspir fire about six rounds of teargas at residents who were not an apparent threat to it.

"They were mostly women carrying belongings such as chairs, tables and goods wrapped in blankets. They were piling these on grass south of KTC," Mr Everson said.

Ran away

"When the teargas was fired the people ran away. Before this the police had neglected their duty, but at this stage they appeared to intervene needlessly."

Mr Everson said that after seeing the Zolani Centre burnt on June 9 he filmed from a big sand dune near KTC. Fighting between Witdoeke and residents took the form of stone-throwing and sporadic shooting.

"I remember seeing two Witdoeke, one with a revolver and one with a pistol, firing on the dune from a Volkswagen combi which they used as a shield.

"I saw some of them siphoning petrol from a car near the combi.

"One of the men at the combi actually fired on me. I fell backwards and the shot must have passed close by me."

Mr Everson said he saw a Casspir parked across Dune Road, facing the KTC camp at an angle.

Looting

"I would imagine the Casspir was stationary there for at least 30 to 60 seconds. While it was there Witdoeke attacked houses and cars, breaking windows. I also saw looting in front of the Casspir. Groups of Witdoeke entered the houses and ran out with goods.

"There were at least three other Casspirs there that I remember. They would stop and start or move very slowly. I saw no action taken by any of the Casspirs or their occupants to stop the Witdoeke or prevent the attack."

● The police deny complicity in the attacks.

SA's 'violent society'

PORT ELIZABETH. — South Africa in the 1980s had become an "atrocity-producing society" and was one of the most violent in the world, a psychologist told Grahamstown Supreme Court.

Professor Noel Chabani Manganyi, clinical psychologist and senior researcher in the African Studies Institute at Wits University, gave evidence in mitigation for two Fort Beaufort residents convicted of murder.

The Judge-President of the Eastern Cape, Mr Justice J P G Eksteen, found extenuating circumstances existed in the case of Sinandu Duma, 28, and a 17-year-old youth convicted of murdering Mr George Nelani and three-year-old Ntombentsha Nelani.

Sentences ranging from an effective 21 years to 3½ years were imposed by the court on eight people convicted of murder, culpable homicide and public violence.

31 charged

The eight were among 31 Fort Beaufort residents charged with murdering Mr Nelani and Ntombentsha, who were burnt to death when their house was set alight on the night of March 7 1985.

Duma, 28, was sentenced to 21 years — 16 for two counts of murder and five for public violence

The youth was sentenced to five years for murder, with three suspended for five years. He was also sentenced to four years — two suspended for five years — for public violence.

Lucky August, 22, Pumla Ngwata, 25, Mfundo Mdiza, 27, and Sisa Ganto, 28, were each sentenced to a total of 12 years — seven for culpable homicide and five for public violence.

Sandile Vutuza, 20, and Nomalungisa Jikela, 19, were sentenced to three years each for culpable homicide, half suspended for five years, and to four years for public violence, with two suspended for five years.

Mr Justice Eksteen found there were extenuating circumstances in the case of the youth, who was 15 at the time.

He found that Duma did not deliberately set out to kill Mr Nelani. He went to the house with the crowd, whose prime object was to set it on fire

Professor Manganyi earlier said Fort Beaufort was a "shockingly depressed area". It was characterised by unemployment, incomplete families and overcrowding Sapa

to South America in her. Both yachts were built in rented warehouses in Paarden Island.

Murder trial: Officer tells of funeral shooting

GRAHAMSTOWN. — A police warrant-officer who is facing charges of murder and assault in the Grahamstown Supreme Court has recounted events surrounding shooting at a funeral in Cradock last year.

Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, two members of a riot squad sent to Cradock to keep order at the funeral of an alleged terrorist, appeared in court yesterday.

They have been charged with:

- the murder of Mr Mlungisi Stuurman by shooting;
- the murder of Mr Andile Plaatjies by stabbing;
- assaulting Mr Michael Qhina by stabbing;
- assaulting Mr Zixolisile Goniwe by suffocating him with a plastic bag and fan belt.

The charges relate to events surrounding the funeral, when a police patrol was stoned and petrol-bombed.

Warrant Officer de Villiers made a statement on September 1 last year which was handed in by the defence. He said that after arriving in Cradock, unpacking and eating, the squad decided to "go and see how things looked in the location".

He said he had sent the squad out on a foot patrol in the township while he and two other officers remained in the police bus.

He said he had drunk brandy before the night patrol, but said he had known what he was doing.

He noticed a black man passing and waved to him, but the man ran away. He and Sergeant P Kranz chased but failed to catch the man.

He told the court that he had no knowledge of anyone being stabbed that night.

Man escaped

During the funeral his patrol had been stoned and petrol-bombed and he had been obliged to fire two rounds from his shotgun at a man. He did not know if the man was hit because he had escaped. He reported the shooting when he returned to the police station.

In a previous statement made on July 30 last year, Warrant Officer de Villiers said he had "not known what to do" after Constable Goosen told him he had slipped and accidentally shot a man who was taken to the river to wash blood off his face.

He said he and Constable Goosen assaulted the man earlier when he was insolent while they questioned him. They had driven off and never reported the shooting because he did not know how to explain the situation. — Sapa.

Cape Times 27/11/97

257 251 275

Witdoeke 'streamed past police roadblock'

By SHAUNA WESTCOTT
Supreme Court Reporter

HUNDREDS of witdoeke — many of them armed — streamed unhindered past a roadblock manned by about 12 uniformed policemen and three Buffels on the day KTC began to burn in June last year, the Supreme Court heard this week.

This was the evidence of NBC cameraman Mr Tony Wasserman, whose film footage of this and other related scenes was shown in court yesterday and on Wednesday.

Mr Wasserman said the witdoeke — "carrying axes, pangas and various things" — were permitted to pass the roadblock at the corner of Borchards Quarry and Klipfontein Road, although he and his soundman had been turned back by police.

He said that while the witdoek horde streamed past, a variety of police and army vehicles drove up and down. These included Casspirs "driving through the crowds of witdoeke".

Mr Wasserman said he saw a white police van, which he thought was that of a Warrant-Officer Barnard, pull up at the roadblock "and a couple of witdoeke went and spoke to the policemen in the back of the van".

Footage of this incident showed one witdoek leaning nonchalantly against the back of the van and pointing in the direction towards which witdoeke were advancing.

Mr Wasserman also described seeing three uniformed policemen with rifles accompanying a group of witdoeke who were chasing two youths, vaulting a fence in the process. This was another incident he captured on film.

He filmed from a bridge over Borchards Quarry after being turned back at the roadblock but was "constantly stopped by police and told to move on".

"We were told, you know, 'it's dangerous, get out', but the thing was that there were hundreds of other people on the bridge and they were only telling me with the camera to move on."

The trial — in which the Minister of Law and Order is being sued for damages of R312 000 on the basis of an allegation that police helped witdoeke destroy KTC — resumes on Tuesday, December 1.

Mr Justice M R de Kock presided. Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre, appeared for the plaintiffs. Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister.

COURTS

Argus 27/11/87

Witdoeke action in KTC-Crossroads seen on court video

Staff Reporter

A VIDEO screened in the Supreme Court of events near KTC showed "quite a few hundred" armed witdoeke moving unchallenged past police and Defence Force vehicles and through a police roadblock, the court was told.

The video, shot by NBC news cameraman Mr Anthony Wasserman on June 9 and 10 last year, was shown as evidence by counsel for 21 KTC families and the Methodist Church, who are claiming R312 000 damages from the Minister of Law and Order arising from the devastation of the township.

Mr Wasserman told the court he went to the Crossroads-KTC area because he had heard there was a possibility of trouble.

He shot film of a police roadblock on the corner of Klipfontein Road and Borchards Quarry Road.

White armbands

"I saw a bunch of people walking down Klipfontein Road towards the cemetery (on the border of KTC) through the roadblock. There were quite a few hundred people all with white armbands ... carrying axes and pangas and various things," said Mr Wasserman.

He identified them as witdoeke.

Apart from policemen and police vehicles at the roadblock, he saw Buffels and Casspirs "going up Klipfontein Road and driving through the crowds of witdoeke who were going down the road".

He told the court he saw a white police van at the roadblock which he believed to be the vehicle of Warrant Officer Hendrick Barnard.

"I saw the van arrive and it stopped at the roadblock and a couple of witdoeke went up and spoke to the policeman in the back of the van," Mr Wasserman said.

"The witdoeke pointed down the road towards the cemetery. The van drove off and the witdoeke carried on down the road."

Shacks burning

Mr P Pretorius, who is appearing for the KTC families, asked: "Did you see any action by the police, either at the roadblock or anywhere else, to stop this advance of witdoeke towards the cemetery?"

"No," Mr Wasserman replied.

Footage later in the video showed groups of men on a dune where shacks were burning. Mr Wasserman identified the area as the north-eastern corner of KTC and the men as witdoeke.

The hearing resumes on December 2.

Picture: GLENN SHERRATT

Major denies discussing case

Own Correspondent

GRAHAMSTOWN. — Major Roelof Frederick Berg told the Supreme Court yesterday afternoon that he had never spoken to the investigating officer in the unrest unit murder trial about the case.

He said he could not explain why the investigating officer, Maj G P S Goosen, should have told the court that they discussed Const David Patrick Goosen's suspension allowance and bail over the telephone, but he was sure this did not occur.

Const Goosen and W/O Leon de Villiers are being tried on two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise out of alleged incidents in Cradock on June 26 last year.

The trial within a trial arose after the defence challenged the admissibility of explanations given by Const Goosen.

Const Goosen said he only made the explanations as a result of undue influence by Maj Goosen.

Maj Goosen emphatically denied it. The trial will continue today.

Member of unrest unit 'carried a kitchen knife'

Argus 29/10/87

The Argus Bureau

PORT ELIZABETH. — A member of the police unrest unit told the Supreme Court in Graaff-Reinet he carried a 26cm kitchen knife stuck in his belt — particularly when he went out at night.

Constable Michael Douglas Neveling was testifying yesterday at the trial of two other unrest unit members, Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26.

They are charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

The charges arise from alleged incidents in black townships after a 10-man squad under Warrant Officer de Villiers was sent to Cradock to keep order at a funeral on July 26 last year.

LIQUOR FROM SHEBEENS

Constable Neveling said the unit was sent to Cradock to "monitor" the funeral. He knew nothing about six trained ANC terrorists who were expected to attend the funeral of a fellow-activist.

Questioned about drinking that took place during the trip and the method of obtaining drink, he said the unit often got their liquor from shebeens.

He agreed this practice was against regulations, as was drinking on duty.

He was questioned at length about a "blood-brother ritual" carried out around the campfire that night, but was unable to say who had suggested it.

He said Warrant Officer de Villiers told unit members to get "bashing tools" before they left on the "unofficial operation".

He took a shotgun. When reminded of the knife he had earlier said might have caused the accidental stabbing of a man, he replied that he always carried it and had not taken it as a bashing tool.

He later changed his evidence to say he often carried it, and then again to say he sometimes carried it.

Answering a question by the judge, he said if he had thought of it he would have left the knife behind.

He said that when the unit set out he did not see any other non-issue weapons in the possession of any of the members.

He did not think the purpose of the operation was to "terrorise and assault people in the streets" as alleged. It was never suggested by anybody that it was to be a "bashing expedition".

(Proceeding.)

Cape Times 2/12/87

Police officers 'lied', court is told

GRAHAMSTOWN. — Several police officers had lied in the trial of two unrest unit policemen and two of them had conspired to perpetuate a lie in court, defence counsel claimed yesterday.

Before the Supreme Court were Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen 26, charged with two counts of murder, two of assault and one of attempting to defeat the ends of justice.

Mr C Jansen, SC, was arguing at the end of a trial-within-a-trial to decide the admissibility of certain explanations made by Const Goosen.

Mr Jansen said the investigating officer, Major G P S Goosen, and Lieutenant J C Meyer, had lied about making a telephone call to Major R F Berg about Const Goosen's allowance.

He also submitted that Capt J F van Heerden had lied when he insisted the stilted language used in his report were Const Goosen's exact words.

Mr Justice Zietsman asked why, if Major Goosen was so desperate to get a confession out of Const Goosen, he had not taken him to a magistrate when he agreed to speak. Argument will continue today.

KTC trial hears 'flares' can start fire

Supreme Court Reporter

ILLUMINATION flares, which could be fired from the same gun as teargas and rubber bullets, were capable of starting fires when fired horizontally instead of up into the air, the Supreme Court heard yesterday

This was the evidence of independent forensic expert Dr David Klatzow, who was testifying in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when KTC was destroyed in June last year.

The minister is being sued on the basis of an allegation that police played an active role in the destruction.

Dr Klatzow said illumination flares contained magnesium, which burned "very hot".

A trail of white powder, magnesium oxide, was deposited by the flare over its flight path.

He said the flares would be likely to cause a fire if they hit a target containing wood, curtains and paper. He added that fire would be a certainty if the flare was used with an inflammable liquid, like petrol.

When an illumination flare was fired into the structure, however, flames were "instantaneous".

In one instance, the photograph showed a doorstep burning and Dr Klatzow said in normal fire investigations this alone would be a serious pointer to the use of an inflammable liquid.

The trial continues.

Mr Justice M R de Kock presided Mr P Pretorius and Mr A M Omar, instructed by the Legal Resources Centre appeared for the plaintiffs Mr G D Griessel SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney appeared for the minister

Police conspiracy claim 'ludicrous'

Own Correspondent

GRAHAMSTOWN. — It was ludicrous to suggest that police officers were lying and were involved in a conspiracy in the unrest unit trial, the state submitted yesterday.

Before the Supreme Court are Warrant Officer Leon de Villiers, 36, and Constable David Patrick Goosen, 26, charged with two counts of murder, two of assault and one of defeating the ends of justice.

Mr W Kingsley was replying to the defence argument in a trial-within-a-trial to decide the admissibility of explanations made by Const Goosen.

He submitted that the suggestion of a conspiracy was not substantiated by evidence in any way.

The same applied to the defence's attempt to draw sinister inferences from the "tactics" of the investigating officer, Major G P S Goosen.

Judgment in the trial-within-the-trial has been reserved until this afternoon.

ARGUS 4/12/87 [redacted] 275

Police could have stopped KTC violence, says MP

Staff Reporter

MR JAN VAN ECK, independent MP for Claremont, has told the Supreme Court it was his "honest opinion" that if the police had wanted to stop violence in KTC in June last year they could have done so.

"If the necessary action had been taken, the attack by the 'witdoeke' on KTC could have been prevented," he said yesterday.

He was giving evidence in the R312 000 damages claim against the Minister of Law and Order by 21 KTC families and the Methodist Church.

Mr van Eck, who was chairman of the Progressive Federal Party's unrest monitoring committee at the time, said he had extensive experience of "unrest situations" in the townships and had built up a considerable network of contacts.

He told the court he received a report after midnight on June 2 last year that the witdoeke of Crossroads were expected to attack KTC, Zolani Centre and New Crossroads that night.

Mr van Eck telephoned several people, including Sergeant Lubbe of the Athlone police station, who had told him that unrest units were investigating and that groups of witdoeke had been seen in Lansdowne Road but had left.

He received a call at 1.30am from a township community worker, a woman he had known for some years and trusted as a reliable source.

She told him that "police Casspirs are offloading in Lansdowne Road at this very moment".

Mr van Eck telephoned Sergeant Lubbe who said he was aware of the situation and had heard that the Zolani Centre was under attack.

Mr van Eck told the court that in the Crossroads satellite camps of Nyanga Bush, Nyanga Extension and Portland Cement, which were destroyed by witdoeke in May last year, he saw armed witdoeke talking to members of the police while other policemen prevented residents from saving their possessions from the burning shacks.

(Proceeding).

Bus man's death: Leave to appeal turned down

BLOEMFONTEIN. — An application by Michael Lucas, of the Oudtshoorn area, for leave to appeal against a finding that there was no extenuation for the murder of a bus inspector has been dismissed by the Appeal Court in Bloemfontein.

Mr Willem Blou was shot at Bongaletu outside Oudtshoorn on April 15, 1986.

At the same time, a bus was sprinkled with petrol, but was driven away before it could be set alight.

Lucas was convicted by Mr Justice D M Williamson in the Cape Supreme Court on August 21, 1987.

As there was no extenuation for the murder, the death penalty was imposed.

He was also imprisoned for two years for malicious damage to property for the bus incident. — Sapa.

Unrest case: Evidence inadmissible

Cape Times 4/12/87 275

Own Correspondent

GRAHAMSTOWN. — The explanations made by Constable David Patrick Goosen while visiting scenes of alleged crimes committed by him after his arrest, were not admissible as evidence, the Supreme Court ruled yesterday.

Constable Goosen, 26, and Warrant Officer Leon de Villiers, 36, both of the local unrest unit, face two charges of murder, two of assault and one of attempting to defeat the ends of justice.

The trial arises from alleged incidents in Cradock on July 26 last year.

In a trial-within-a-trial the defence argued that Const Goosen was forced to make a statement to Maj G P S Goosen after he had been taken to scenes of his alleged crimes and had been threatened with imprisonment and the loss of his service benefits.

Yesterday Mr Justice Zietsman found that it was not necessary to decide whether the explanations amounted to a confession or were simply admissions — important because of the different tests applied.

He said if the threats were in fact made they would negate the validity of both.

The onus was on the State to prove beyond a reasonable doubt that the explanations were voluntarily made.

Justice Zietsman ruled that the State had not met the onus and the explanations were inadmissible.

Mr B P Loots and Mr Jean van der Riet sat as assessors. The Attorney-General, Dr J A van S D'Oliveira, SA, assisted by Mr W Kingsley, appeared for the State. Mr C Jansen, SC, assisted by Mr N du Toit and instructed by Huisamen and Roelofse appeared for the defence.

Police officers' actions 'biased'

Supreme Court Reporter

MAJOR Dolf Odendaal and Warrant-Officer Hendrik Barnard were among elements in the police force who "took decisions to act in a biased manner", independent MP for Claremont Mr Jan van Eck told the Supreme Court yesterday

Mr Van Eck was giving evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes when KTC was burned down by witdoeke, allegedly with the aid of police.

Mr Van Eck said it was not the entire police force which acted in a biased way but there was no condemnation of biased action from "higher up" and certain policemen seemed to act with impunity.

Confronted

He said Major Odendaal and WO Barnard took a definite stand against "comrades" and in favour of witdoeke.

Major Odendaal had been unable, when confronted, to give a reasonable explanation for the lack of police action when Nyanga Bush, Nyanga Extension and Portland Cement camps went up in smoke weeks before KTC, he said.

The conclusion he drew from this — and from watching police both fraternizing with witdoeke and preventing "comrades" from saving their possessions — was that police were actively supporting the witdoeke.

Mr Justice M R de Kock presided Mr H P Viljoen SC, with Mr P Pretorius and Mr A M Omar and instructed by the Legal Resources Centre, appeared for the plaintiffs Mr G D Griessel SC and Mr L Visser SC, with Mr F D J Brand and Mr C Y Louw and instructed by the State Attorney, appeared for the minister

'Policemen ordered to shoot if lives in danger'

ARGUS 8/12/87 275

Staff Reporter

THE only order given to policemen about to go on patrol in Athlone in the lorry which became known as the "Trojan Horse" was that they should shoot on their own initiative if their lives were endangered.

This was evidence at an inquest in Wynberg yesterday into the deaths of Mr Jonathan Claasen, Shaun Magmoet, 16, and Michael Cheslyn Miranda, 12, on October 15 1985.

Mrs S Swart, leading evidence, questioned Constable A J Smith, one of a number of railway policemen who hid in crates on the back of the seven-ton lorry while it patrolled Thornton Road in Athlone.

"What instructions did you receive from your commanding officer, Lieutenant Douw Vermeulen, before going on patrol?" she asked.

Constable Smith: That we should shoot if our lives were in danger

Mrs Swart. Is that all?

Constable Smith: Yes.

He told the court he fired six shots from his pump-action shotgun in the direction of a crowd around the lorry

He said the firearm was loaded with buckshot. He was not ordered to fire but did so of his own initiative.

Mrs Swart: Why?

Constable Smith: Because I feared for my life.

He could not remember whether the patrol had been issued with teargas and masks.

He said the purpose of the patrol was to make arrests.

Mr J Gauntlett, appearing for the families of Magmoet and Miranda, asked him. "Didn't you or anyone ask Lieutenant Vermeulen before you went out how you could make arrests if you were trapped in a crate and all you could do was stand up and shoot?"

Constable Smith: I don't remember.

Mr Gauntlett: The innocent people in the vicinity of the lorry . . did they have a chance to get away before the shooting?

Constable Smith: No.

Mr Gauntlett: You said people were running past but you still opened fire. Why?

Constable Smith: Because I feared for my life.

Mr Gauntlett: But the people were running past.

Constable Smith: Yes, but I didn't know where they were going and what they intended.

Mr Gauntlett: You didn't know where you were shooting.

Constable Smith: No, I didn't know where the shells were going.

● A report in The Argus yesterday stated incorrectly that Lieutenant Douw Vermeulen had given evidence at the inquest. The magistrate, Mr G Hoffman, pointed out today that Lieutenant Vermeulen had not yet been called to testify.

3 tell of 'Trojan Horse' deaths

By YVETTE VAN BREDA

ABOUT 200 people, three of whom were killed, had no chance of getting away when police, hidden in crates on an SA Railways "ghost truck" that was stoned in Athlone in 1985, suddenly revealed themselves and opened fire.

This was evidence yesterday at the Wynberg Magistrate's Court inquest into the death of Shaun Magmoet, 16, Michael Miranda, 11, and Jonathan Claasens, 21, who were shot dead by police on the corner of St Simon's and Thornton roads.

Sergeant James Sayer told the court he was in the cab of the truck which has become known as the "Trojan Horse". They were patrolling the area to find and arrest stone-throwers. Several policemen were hidden in crates on the back of the truck.

At the intersection about 200 people began stoning the truck and the window of the cab was broken. He fired four rounds of AAA shot, he said.

Asked by Mr J Gauntlett, for the family of two of the deceased, whether there was any opportunity for people to get away before the shooting started, he said: "I won't say there was."

Constable A J Smit, said he was in a crate on the back of the truck. After he heard the truck being stoned and it came to a halt, he jumped up and fired, as "I feared for my life".

Warrant Officer, A W C Swart, who was also on the back of the truck, said that when the crowd started stoning the truck, he feared for his life, jumped up and started shooting.

Warrant Officer Swart fired six AAA shots and the people dispersed. He saw a man being dragged, "half crawling" into a house. He alighted from the truck and went into the house where he found Shaun Magmoet fatally wounded.

The hearing continues today.

Constable tells of murder at river

Own Correspondent

GRAHAMSTOWN: What Constable David Patrick Goosen had done at the Great Fish River was murder, a police witness has said.

Constable Raynard Egmont Fourie was testifying yesterday in the Supreme Court murder trial of Constable Goosen, 26, and Warrant Officer Leon de Villiers, 36.

Charges arise out of alleged actions of a police squad sent to monitor a Cradock funeral on July 26 last year.

Constable Fourie said he overheard WO De Villiers say that one of four men arrested for interrrogation, Mr Mlungisi Stuurman, had been too severely "gepanelbeaten" and they should "take him out".

A squad member said "take out" meant "kill".

Constable Fourie showed Constable Goosen the way to the river. On the way he stopped to relieve himself. He saw Constable Goosen point his pistol. A shot went off and Mr Stuurman fell. Constable Fourie said he and Constable Goosen tossed the body into the river.

On the way back Constable Goosen jogged ahead. Constable Fourie said he turned to a Const Booyens and said "that was murder". Constable Booyens agreed.

After the investigation had started Const Goosen warned he would "take out" anyone who turned against him.

Man burnt, 3 shacks razed

Staff Reporter

A MAN was badly burnt and three squatter shacks were destroyed during an attack on Nyanga East residents early on Sunday.

The chairman of the 11 000 Portland Cement squatters, Mr Christopher Toise, said yesterday that three other plastic shelters had been partly burnt, while about 12 people had lost their possessions.

He criticized the government for "extreme tardiness" in providing housing.

Mr Louis Koch, of the Regional Services Council, said plans for development were "up in the air at present".

Inquest: Shots hit people inside house

Argus 9/12/87

Court Reporter

SHOTS fired during the "Trojan horse" incident in Athlone wounded a woman and two small children inside a house, an inquest court at Wynberg was told.

This was evidence in the inquest into the deaths of Shaun Magmoed, 16, Michael Miranda, 11, and Mr Jonathan Claassen, 21.

Mrs Zanab Ryklief told the court that family and friends were visiting her home in Thornton Road on the afternoon of the incident on October 15 1985.

They were watching a video and she did not hear any screaming or noise from the crowd outside in the street.

Later, the children's friend, Ismail Abrahams, wanted to go home so she unlocked the front door. Several of the children went outside to see him off.

She closed the door and had just begun folding the washing when they knocked again to come in.

Mrs Ryklief said she opened the door and heard shooting as they ran inside.

She said Shaun Magmoed was holding his head. He fell to his knees and crawled into the bedroom where he collapsed on the bed.

Mrs Ryklief told the court that she and two small children were wounded when she opened the door.

She said shotgun pellets broke her kitchen window and sprayed the opposite wall. Glasses and tea cups were smashed.

Mrs Ryklief said she did not see where the shots came from, but her nephew, Ghalieb Ryklief, was also wounded while running back into the house.

She said she locked the door and refused to open it when two policemen shouted to open up They kicked the door open

A policeman wanted to take Ghalieb's small brother away and Ghalieb told them to take him instead.

Earlier, riot squad policeman Sergeant F A van Niekerk said that he was with one or two other policemen in a crate on the back of a lorry patrolling the area.

Mr J J Gauntlett, appearing for the Magmoed and Miranda families, put it to him that there were houses and shops in the street and there were probably many people walking around.

Sergeant van Niekerk Yes.

Mr Gauntlett. Why did you start shooting?

Sergeant van Niekerk. Because our lives were in danger.

Sergeant van Niekerk said he could not remember if police identified themselves first before opening fire or if passers-by were given a chance to get out of the way

He agreed that about three-quarters of the people in the crowd of about 200 did not have stones in their hands.

The hearing continues today

Police bullets hit crockery in witness's home

By YVETTE VAN BREDA
Court Reporter

A THORNTON Road resident told a Wynberg Inquest court yesterday that soon after teenagers left her house they rushed back in as police fired at them, breaking her crockery as bullets hit the walls and windows of the house.

Mrs Zanab Ryklief was giving evidence at the inquest of Mr Shaun Magmoed, 16, who died in her house, Mr Michael Miranda, 11, and Mr Jonathan Claasens, 21.

The three were shot dead by police during an incident at the intersection of St Simon's and Thornton Roads in Athlone on October 15 1985. The shooting, which has become known as the "Trojan Horse" incident, occurred when police hidden in crates on the back of a South African Railways truck, stood up and fired at a crowd of about 200 people after the truck was stoned.

Mrs Ryklief said Shaun Magmoed, Ghalieb, Ebrahim, Shafiek, Ismail, and Shafwaan Ryklief, Ms Latiefa Muller and Ismail Abrahams were all at her house on the day. There were also two smaller children.

Ismail Abrahams wanted to leave but she asked him to wait as there were many people outside her house and she feared that "something might happen".

After Ismail insisted on going home, she opened the door and the others left "to see him off". Soon after she heard shots hitting the windows and walls of her house. Her crockery was broken by police fire.

Mrs Ryklief said she stood behind the open door as the teenagers rushed back in. Shaun crawled into the house holding his head and went to her bedroom. She locked the front door again.

Looked dead

Soon after, police kicked the door down. One of them pulled Shaun up by the shoulder He looked dead to me, she said.

The two smaller children in the house were also injured and she realised later that she had also been shot in her right shoulder

Her nephew, Ghalieb Ryklief, told the court that as he left his aunt's home to "see Ismail off" he saw the orange railways truck. He ran into the house as the firing started.

Later two policemen came into the house and told him Shaun was dead. They wanted to take his brother Isamil, 12, but he told them to take him instead. He was later charged with public violence in the Regional Court, but was acquitted.

Earlier Warrant Officer, A W C Swart, who was one of several policemen on the back of the truck, said when the crowd started stoning the truck, he feared for his life, jumped up and started shooting

He fired only at stone throwers about 15m away "I didn't see anyone without stones," he said.

He had no doubt that he would hit the people, he said. He saw a man being dragged, "half crawling" into the house.

The hearing continues today

Mr G Hoffman was the magistrate Mrs S Swart led the evidence Mr A H Veldhuizen instructed by the State Attorney, appeared for the Minister of Law and Order Mr J Gauntlett instructed by Y Ebrahim and Co appeared for the Magmoed and Miranda families. The Claasens' were not represented

Reagan, deliver remarks

Cop fired directly at youths

Cape Times 10/12/82

By YVETTE VAN BREDA

A POLICEMAN fired seven shots "directly at youths with stones" after emerging from a hidden position inside a wooden crate on a truck which entered riot-torn Athlone in 1985, a Wynberg magistrate heard yesterday.

Lieutenant Douw Vermeulen, who was in command of a nine-man task force, was giving evidence at the "Trojan Horse" inquest of three youths shot by police at the intersection of Thornton and St Simon's Roads on October 15, 1985.

The three are Shaun Magmoed, 16, Michael Miranda, 11, and Jonathan Claasens, 21.

Lieut Vermeulen said a group of youths had thrown stones and half bricks at the "ghost truck". The front window and body work was damaged.

He had jumped up and fired seven shots with his shotgun. "The shots were aimed directly at the youths who were throwing stones."

The other six policemen in the crates followed suit.

Lieut Vermeulen said a man who ran towards a house on the right was fired at and a window of the house was broken in the process.

The driver of the truck, Sergeant A M Smit, said he and Sergeant James Sayer, who were in the cab, wore dust coats to disguise themselves As the truck approached the intersection a second time, the crowd began stoning it.

Mr G Hoffman was the magistrate. Mrs S Swart led the evidence Mr A H Veldhuizen instructed by the State Attorney, appeared for the Minister of Law and Order. Mr J Gauntlett instructed by Y Ebrahim and Co appeared for the Magmoed and Miranda families The Claasens' were not represented

Cape Times 10/12/87

Policemen shot in Crossroads ambush

Staff Reporter

TWO special constables were wounded, one seriously, when they were ambushed by an unknown gunman while travelling in a police vehicle in New Crossroads last night.

Police spokesman for the Western Cape, Lieutenant Attie Laubscher, said the attack took place at the corner of Terminus and J Ntuku roads at about 6.15pm.

"An unknown black male fired several shots at the vehicle, which was carrying about 30 special constables at the time," said Lt Laubscher.

"Two constables were wounded, one in the head and the other in the neck. Both men were admitted to No 2 Military Hospital in Wynberg. The man wounded in the head is in a serious condition," he said.

Student acquitted of public violence

Court Reporter

A UNIVERSITY of Cape Town student has been found not guilty of public violence or attending an illegal gathering on the campus.

Mr Saliegh Adams, 19, of Santana Avenue, Windsor Park, Diep River, pleaded not guilty in the Wynberg Magistrate's Court yesterday.

The charges were related to a three-day student demonstration against a police presence on the UCT campus.

Evidence was that on April 27 Mr Adams was on the steps of the students' union watching a confrontation between police and students when he was tackled by a police dog.

The magistrate, Mr M S Knox, said it was clear that public violence took place. The only question was whether Mr Adams was involved or not.

STONE-THROWING

Mr Knox said that according to Major Cornelius Odendal's evidence, Constable Donald Holgate told him he saw someone throw stones and he ordered Constable Holgate to arrest the man.

"According to Holgate's evidence the accused was throwing stones when he was arrested."

Mr Knox said Major Odendal's evidence corroborated that of Mr Adams and his witness, that he was not in a group throwing stones at the time of his arrest.

Mr P Mostert appeared for the State. Mr A Albertus, instructed by Mr M Esau, appeared for Mr Adams.

3 die in battle with police

Own Correspondent

PORT ELIZABETH. — An alleged trained guerilla of the African National Congress and two suspected collaborators — one a woman — were killed in a fierce battle with security policemen in Soweto, Port Elizabeth, in a predawn swoop yesterday.

Their bodies, police said, were found in the rubble of a wood and iron shack which had been flattened by a Casspir after repeated calls by police to those inside the shack to stop firing.

Another woman, suffering from severe shock, was taken to the Livingstone Hospital where she is being treated under guard, said Captain Peet Grobler, police liaison officer.

Videos

Police seized an AK-M 47 assault rifle with five fully-loaded magazines, a Star 9 mm pistol with two loaded magazines, a Russian-made RGD offensive hand-grenade and the strap used to carry a limpet mine.

The ground around the bodies lay strewn with numerous spent AK-M 47 cartridge cases. Four video cassettes, of which one had been "shot to bits", and a book containing newspaper cuttings about the ANC and its personalities had also been found.

Capt Grobler said one of the men had been identified as a "trained ANC guerilla". The others were suspected collaborators.

Constable's intention on shooting disputed in court

Own Correspondent

GRAHAMSTOWN. — Constable R E Fourie disputed in the Supreme Court yesterday that Constable David Patrick Goosen had fired "involuntarily and unintentionally" when he shot Mr Mlungisi Stuurman.

This was put to him at the end of his three-day cross-examination in the trial of Warrant Officer Leon de Villiers, 36, and Const Goosen, 26, on two charges of murder, two of assault and one of attempting to defeat the ends of justice.

Const Fourie admitted, however, that he did not know what was going on in the mind of Const Goosen during the one or two seconds he saw the gun in his hand before the shot.

Earlier, Const Fourie denied that WO De Villiers and Const Goosen had suffocated a black man with a plastic bag, strangled him with a fanbelt, hit him about the ears and struck him with a rifle butt as had been testified to by other witnesses.

He said that if this had happened in the moving police bus as alleged, he would have seen it.

The case has been postponed to February 1, 1988.

2 hurt, 36 held in unrest

Cape Times 12/12/87

PRETORIA. — Two people were injured and 36 arrested — 25 of them youths — in unrest-related incidents throughout the country on Thursday night, the Public Relations Division of the SA Police in Pretoria reported yesterday.

A man was slightly injured in Khayelitsha, Cape Town, and a bus badly damaged by a petrol-bomb.

Most of the incidents occurred in Maritzburg townships where a group petrol-bombed and stoned a home in which a man was injured and the house damaged.

Three more homes were stoned and three buses had their windows smashed and a car was set alight. Twenty-nine were arrested. — Sapa

975

Shots to disperse crowd killed youth

Court Reporter

A LAAIPLEK cafe owner fired four shots into a crowd of people outside his shop fatally wounding a 17-year-old youth, a Cape Town inquest court heard yesterday.

Mr Howard Fisher was giving evidence in the inquest of Jonathan Slabbert, 17, who was killed during an incident in January.

Mr Fisher said he had gone to the Cafe Oase, which belonged to Mr Jurie Greef, and saw a large number of people near the cafe.

Inside a man who was sitting on the counter — Mr Gys Van der Westhuizen suddenly leaped up and rushed outside where he was assaulted by three "coloured men".

The people opposite the cafe started throwing stones and broke a cafe window. He heard a shot from the direction of the nearby police station. The crowd did not disperse, but merely moved up the road.

Soon after he left, he heard four or five shots coming from the cafe. The crowd scattered when the shots were fired and Mr Fisher saw a man on the stoep of the cafe. When he heard someone had been shot, he returned to find Jonathan Slabbert on the ground, bleeding from a head wound.

Mr Jurie Greef told the court he owned the cafe Oase at the time of the incident There had been a large number of "coloureds outside the shop but they were not restless"

"A coloured man touched the breasts" of Hannalie van der Westhuizen, the daughter of his friend Gys van der Westhuizen.

Mr Van der Westhuizen, who was in the shop, chased the man, but was then assaulted. Mr Greef said he feared for the life of his wife, daughter and mother who had just alighted from a car outside.

He ran on to the stoep of the cafe and fired four shots in the direction of the alley opposite, over the heads of the crowd.

The hearing continues on December 21.

Mr J Muller was on the bench
Mr A Duminy led the evidence
Mr V C Saldanha appeared for the Slabbert family

Cape Times 14/12/87

2 policemen die in Soweto ambush

Staff Reporter

TWO policemen were shot dead and four wounded when a police vehicle carrying seven men was hit by AK-47 rifle fire in Soweto on Saturday evening.

This was the second township ambush of a police vehicle within a week.

On Wednesday evening in New Crossroads two special constables were wounded when a gunman opened fire with a high-velocity weapon, "probably an AK47", on a police vehicle carrying 30 special constables.

The Soweto shooting took place just before midnight, according to police.

Gunmen fired at the police from a vehicle. Only one policeman escaped injury.

After the incident, a number of AK-47 cartridges were found nearby.

The spokesman said the condition of the wounded was "satisfactory". All the policemen involved were based in Meadowlands and their names would be released when their next-of-kin had been notified.



Save Bradley from Prison Committee chairman Mr Eshaam Palmer, left, with Bradley van Niekerk.

MG&S 18/12/87

Appeal fails, but Bradley, 20, 'prepared for jail'

Education Reporter

NEXT Tuesday when his peers are waiting for their matric results, Bradley van Niekerk, 20, will report to the Cape Town Magistrate's Court to start a 12-month prison sentence for public violence.

"I am prepared for prison," said Bradley, a South Peninsula High School pupil, at a Press conference yesterday.

The threat of prison has hung over his head since he was convicted in November 1985 after an incident in Kensington.

He said: "It has affected my family. There were times when we would sit up at night to discuss my case. It affected me at first, but I have come to grips with going to prison. It is my contribution to the struggle."

Appeal turned down

The thought of leaving the country and not waiting for the outcome of his appeal had crossed his mind, he said. "I decided to stay and see out the situation."

He was preparing to write his English exam last month when he heard that the Appellate Division had turned down his appeal against his sentence.

"I was shattered. There was havoc at home," he said.

Although he was hoping his appeal would succeed, he has been preparing himself for prison. He has had a session with a psychologist and is due to see him again on Saturday.

When Bradley's appeal was turned down and he was refused permission to appeal to the Appellate Division, teachers, pupils and parents formed the Save Bradley from Prison Committee to petition the Chief Justice for permission to appeal.

The Chief Justice, who was handed a petition of 30 000 signatures, gave him permission in September last year. The appeal was turned down last month.

Police see "nothing sinister" in the spiralling number of township shootings and deaths; Claremont independent MP Mr Jan van Eck says "sinister forces" are at work; community workers say the tensions in the KTC squatter camp are "very, very close" to exploding into a Crossroads June '86 scenario. DALE LAUTENBACH of The Argus Political Staff reports.

Fears of KTC squatter eruption discounted

ARGUS 18/12/87

THE violent deaths in recent weeks have occurred mostly in KTC, the sprawling camp (bounded by Guguletu, Nyanga and New Crossroads) that accommodates 25 000 people conservatively, alternatively about 80 000 according to community workers. About two-thirds of KTC was destroyed in June last year.

According to a recent report, the police attributed the violent deaths to the use of "more sophisticated weaponry in the townships". But, they said, there was "nothing sinister" in the increasing number of deaths.

In one week six people were killed in KTC and among them were members of the KTC steering committee affiliated to the Western Cape Civic Association.

Approached for comment on the concern being expressed a police spokesman said the KTC situation was being monitored but "we cannot support the view that KTC is about to explode". The shootings were being investigated as murders and were viewed "as we would view murders anywhere".

Mr Danile Landingwe, a Quaker Peace Committee community worker who represents his organisation in KTC isolated one important source of conflict as the differences between the Masincedane Committee which represents most of KTC and the smaller Western Cape Civic Association representation in the area in the form of a steering committee.

"The issue of the civic association was introduced to KTC at the beginning of the year by two United Democratic Front activists — a Mr Qubela and a Mr Sidina — who are both now in detention."

"There were meetings about this in March and the concern of the various squatter communities was that they did not want to be represented by anyone from outside their communities," said Mr Landingwe.

Tensions

Tensions grew even further when a steering committee meeting just over a month ago decided to evict a certain individual.

"Then everything started to explode and meetings to address the situation are now going on," said Mr Landingwe.

Mr van Eck makes the point that the Masincedane Committee is not neccessarily politically incompatible with the democratic movement as represented by the civic association.

"But remember that their priority as squatters is somewhere to live," he said. "The pressure of that issue tends to outweigh other political considerations. You have squatter needs versus political needs with parents telling the youth not to do anything which might jeopardise their future as KTC is essentially phase two of the Crossroads upgrade scheme."

The Masincedane Committee was not against the formation of a civic association but were still discussing the issue in the community when the steering committee went ahead and set itself up, he said.

"All I can say about alleged police involvement is that there are sinister forces at work exploiting the divisions in the manner of divide and rule and in the interests of creating another Crossroads '86 situation.

A community worker who asked to remain anonymous for reasons of security said the situation was not one of conservatives versus comrades.

"It's more like corruption versus sincerity," he said and here there are no clear sides but elements of both in all groupings.

Western Cape UDF chairperson Mr Dullah Omar said his organisation was "very, very" concerned about the implications for the democratic movement in the KTC dispute.

"In the turmoil, the tendency is to lose sight of the politics of the situation and its the politics we continue to emphasise because it provides the basis for unifying people."

In an effort to find a resolution, the UDF has been and remains involved in ongoing meetings and discussions.

"The basic tensions remain the same," said Mr Omar. "But there has been a realisation in all groupings in the last few weeks of the inherent dangers of the situation, namely, the advantage which the state can take of the conflict and the mischief that can be made."

CAPE TIMES 2/12/87

Attack on SAP: Man arrested

A 29-YEAR-OLD man has been arrested in connection with the attack on a group of special constables at the Nyanga police station on Friday morning, police confirmed yesterday.

A police spokesman said the arrest was made in a Cape Flats township on Saturday.

The attack took place at 8am. Ten special constables marching outside the station, a 62-year-old man and a 30-year-old woman were injured.

A handgrenade was thrown and several shots were fired from a dune about 12m from the station before the constables returned fire, forcing the attackers to flee.

A man is expected to appear in the Athlone Magistrate's Court soon in connection with the attack.

Matriculant starts year sentence

Staff Reporter

BRADLEY VAN NIEKERK, a 20-year-old matriculant, will start his 12-month prison sentence for public violence at Pollsmoor Prison this afternoon after an appeal against the sentence failed.

Van Niekerk was convicted and sentenced for a stone-throwing incident at Kensington High School two years ago. Leave to appeal against the sentence was initially refused, but after a petition to the Chief Justice, an appeal was heard.

The Save Bradley from Prison Committee was formed and launched a publicity campaign to focus on the "harsh" sentences imposed on school children on charges of public violence: 30 000 people signed a petition.

Mr Brian Isaacs, Van Niekerk's former headmaster, said yesterday Van Niekerk is due to report to the Cape Town Magistrate's Court at 3pm today.

Clergy, police meeting breaks up

Cape Times 22/12/87

By ANDREW DONALDSON and JOHN VAN DER LINDEN

A MEETING between church leaders and police to discuss the actions of special constables in KTC on Friday after a grenade attack on some of their number ended in disarray yesterday.

The meeting between a delegation from the Anglican Diocese of Cape Town — headed by Bishop Charles Albertyn, Bishop Suffragan of Cape Town, and the Very Rev Edward King, Dean of Cape Town — and Brigadier Ronnie van der Westhuizen, Divisional Commissioner of Police, was arranged by the MP for Claremont, Mr Jan van Eck.

The meeting broke up when Brigadier Van der Westhuizen, referring to the church delegation, told Mr Van Eck to never bring "such people" into his office again.

Mr Van Eck said afterwards he was "disappointed" at the outcome.

"It was not productive," he said.

Brigadier Van der Westhuizen said afterwards he had expected to interview KTC community leaders and not a church delegation.

"I have often held talks with radical leaders but have never had such an aggressive meeting as this one," he said.

A statement by the diocese on the meeting said the delegation had complained about the behaviour of special constables who moved into KTC in follow-up operations after the attack on them early on Friday morning.

"The church delegation said KTC residents had been subjected to indiscriminate assaults by special constables," a spokesman for the diocese told the Cape Times yesterday.

The brigadier had responded by saying that "it was only human that special constables who had just been attacked and who were still in a state of shock should react strongly".

"The meeting became increasingly heated as the church delegation contested Brigadier Van der Westhuizen's reference to the constables' response as being understandable," the spokesman said.

"He accused the church of being 'on the side' of KTC residents and said he would instruct special constables to exercise restraint if the church delegation could guarantee there would be no more attacks on police from KTC."

Brigadier Van der Westhuizen confirmed he had asked complainants to lay charges, saying that he would "personally see to it" that these were investigated.

He pointed out that several special constables had been prosecuted in the past; one had even been sentenced to death.

He appealed to church leaders — if they represented the true leaders of their communities — to restrain their people from attacking police with petrol bombs and handgrenades.

Laaiplek inquest clears cafe owner

By YVETTE VAN BREDA
Court Reporter

A LAAIPLEK cafe owner who fired shots into a crowd outside his shop and fatally wounded a 17-year-old boy did not commit a crime, a Cape Town inquest court found yesterday.

The magistrate, Mr J Muller, made this finding at the end of the inquest into the death of Mr Jonathan Slabbert, who was killed in Laaiplek on January 3.

Mr Muller also said the cafe owner, Mr Jurie Greef, had acted in an emergency and was protecting lives and property.

Earlier Mr Greef said he owned the Cafe Oase at the time of the incident. He said he saw a large number of "coloureds outside the shop but they were not restless".

A coloured man "touched the breasts" of Miss Hannalie van der Westhuizen, the daughter of his friend Mr Gys van der Westhuizen.

Mr Greef said Mr Van der Westhuizen chased the man in the direction of the crowd and was assaulted.

He said he feared for the life of his wife, daughter and mother who had just alighted from a car.

Mr Greef ran on to the stoep and fired four shots towards the alley opposite. He fired over the heads of the group.

Mr Clive Liebenberg, 21, said he and Mr Stanford Don were drinking cooldrink on the stoep with Mr Jonathan Slabbert.

A Mr Howard Fisher, who was under the influence of alcohol, went into the shop where he started arguing with Mr Van der Westhuizen about a comment the latter made about "hotnots".

Mr Don, who felt "trouble was brewing", got up and — indicating with his hand to Mr Liebenberg that he wanted to leave — accidentally touched Miss Van der Westhuizen. Her father rushed out and wanted to assault Mr Don, Mr Liebenberg said.

Mr Don ran and Mr Liebenberg and another friend "Marco", assaulted Mr Van der Westhuizen and Marco hit him with a hockey stick.

Mr Greef came out onto the stoep and asked "where's my gun" and all of them ran, including people gathered at the police station.

Mr Greef fired a shot and Mr Jonathan Slabbert fell.

Mr A Duminy led the evidence Mr V C Saldanha appeared for the Slabbert family

The frontier of resistance reels under the iron fist

No area of the country has been harder hit by detentions, the policing of kitskonstabels and by vigilante attacks. EDYTH BÜLBRING reports



Chris Heunis

THE Eastern Cape was the frontier of resistance last year but all that crumbled in 1987.

Over the past 12 months, resistance in the townships moved from the barricades in the streets into the courts. Small legal victories have been the only weapon against repression.

The Detainees' Parents Support Committee in Johannesburg estimates that one third of all detentions under the State of Emergency have come from the Eastern Cape. This year 2 500 people from the region were detained and 500 are still being held, most of them from the United Democratic Front.

Vigilantes, municipal police and *kitskonstabels* (special constables) have replaced the South African Defence Force.

The state's new strategy has succeeded in dividing and confusing people, says Andile Sindelo, general secreatary of the Eastern Cape Youth Congress, a branch of the South African Youth Congress.

This year's detentions, harrassment and intimidation have crushed the youth movements, he said. The majority of Ecayco's regional executive was detained this year, including the president, Monde Mtanga, two weeks ago. Of the 57 youth congresses in the Eastern Cape, few are operating.

An attempt has been made to revive these organisations but "people can't work effectively under the State of Emergency", Sindelo said.

In the arena of education, the effect of the Emergency has had similar results.

Khaya Matiso, secretary of the Eastern Cape Education Crisis Committee, says most of the local branches of the committee have been crushed. And few SRCs or Parent Teacher Student Associations have survived.

"Any struggle must have a disciplined leadership to give direction. If they are detained then it presents problems and weaknesses," he said.

Alternative government structures like street and area committees have suffered the same fate as the education and youth organisations. In Uitenhage the committees are a thing of the past as the Emergency has made it impossible for people to meet. Vigilante action and municipal police harrassment has divided the community.

At the beginning of 1986 only 18 of the 45 town councils under the then East Cape Development Board were still functioning. In all, 173 councillors quit in the wake of widespread and often violent opposition to participation in structures established under the Black Local Authorities Act.

But, up until November this year, only five councils in the region were still not functioning.

In three of these — KwaNobuhle in Uitenhage, Ilingelihle in Cradock and Umasizakhe in Graaf Reinet — administrators have been appointed to carry out the functions of the local authorities. In the Port Alfred and Queenstown townships there are no administrators.

There are 429 municipal policemen, or "greenflies", operating in 19 Eastern Cape towns, according to Minister of Constitution and Development Planning Chris Heunis.

According to repression monitoring groups in the Eastern Cape, the number of complaints received from township residents concerning the SADF and the South African Police, so prevalent in 1985 and 1986, has dropped off considerably.

The monitoring groups have cited daily complaints of assault and intimidation by the municipal police, however, especially in Jansenville, Paterssie and Adelaide.

It appears that the army and police have been moved into a supervisory role and that much of the immediate responsibility for controlling the townships and crushing anti-government organisations has devolved onto the municipal police and local authorities.

The collusion between vigilante groups and the municipal police is evident in Uitenhage's township where clashes between the residents and the Ama-Afrika vigilante group and "greenflies" has led to the death of over 20 people.

The reasons given by Minister of Law and Order Adriaan Vlok for the majority of detentions in the Eastern Cape have been related to membership of street and area committees and UDF affiliation, according to the Human Rights Trust in Port Elizabeth.

The second largest category was related to alleged involvement in people's courts.

In spite of the destruction of organisations and structures in the Eastern Cape there is still a spirit of defiance.

The Eastern Cape Youth Congress is launching the "Isolate the Enemy Campaign" — the enemy being the municipal police and *kitskonstabels*.

The Education Crisis Committee is concentrating on reviving structures and disseminating educational papers among members.

And there is a mute opposition to and lack of recognition of local authorities by township residents.

Last month the rally to be addressed by released ANC leader Govan Mbeki was banned.

But his overwhelming reception Port Elizabeth's New Brighton township indicates that although the Eastern Cape organisations are largely crushed and leaderless, there is resistance to state repression. — Pen

ABH-Harwood 1605/CAPE

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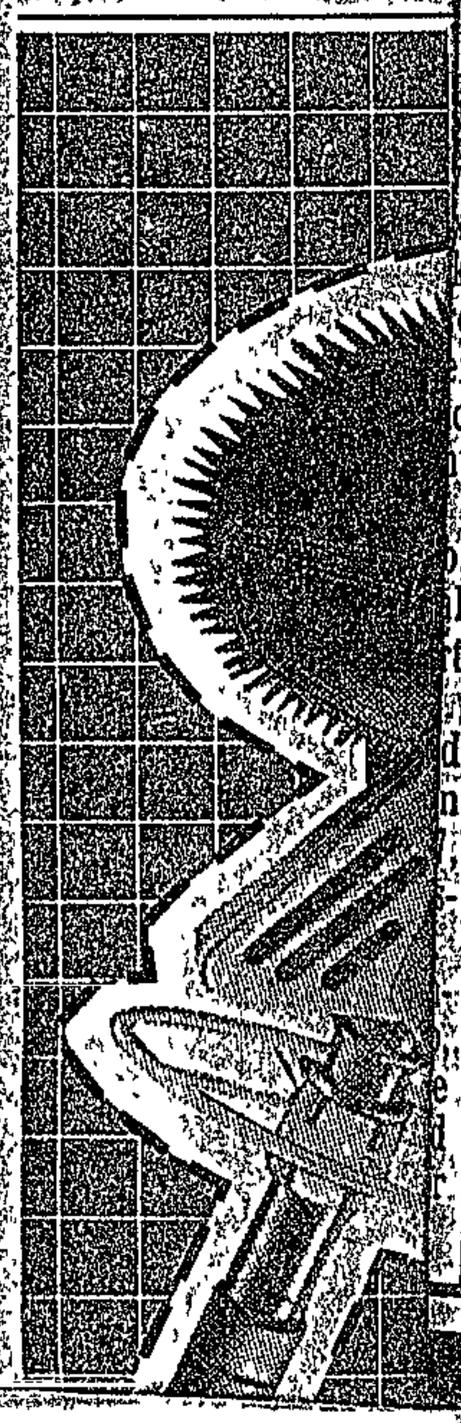


about R22 500 struction in Blue Downs.

Cape Times 2/12/87

Court overturns four violence convictions

BY SHAUNA WESTCOTT

WORCESTER Regional Magistrate Mr A J van Wyk "misdirected himself and committed an irregularity", the Supreme Court ruled this week in overturning public-violence convictions and sentences imposed on four Zwelethemba residents.

The four were convicted on December 10, 1985.

Mr Mpho Letaba, Mr Ernest Ntlantsana and Mr Ntobeko Nkwali — aged 21, 20 and 17 at the time — were sentenced to five years' imprisonment with two years suspended. Mr Xolani Ndabeni — 16 years old at the time — was sentenced to six strokes.

Their convictions followed Mr Van Wyk's refusal to grant a postponement to their attorney, Mr Alan Chiat, who then refused to cross-examine.

In this week's Supreme Court review, Mr Justice A J Lategan, with Mr Justice H C Nel agreeing, ruled Mr Van Wyk's behaviour had amounted to the denial of the basic right to legal representation, and found all subsequent trial proceedings null and void.

Mr J R Whitehead, instructed by Bernadt Vukic and Potash, appeared for the four. Mr J Reebein appeared for the state.

R63m for

ment indicated that 44% of the squatter community had lived in the area for 10 years or more. A total of 75% of residents came to the area to find work and "all have stated that they would like to remain permanently", the group said The surveys showed that 43,8% of squatters worked in Noordhoek and 28% worked in Fish

ing Significant costs, in time and money, would be incurred in travelling to and from work and for many, wages are insufficient to cover costs Inevitably jobs will be lost

"In view of the current housing and employment crisis facing Cape Town, the Noordhoek removal is irresponsible and destructive in the extreme," the group said

along the west coast to Lamberts Bay and along the east coast from Cape Agulhas to Port Alfred. This affects harvesting of black and white mussels and oysters. Samples of the red tide, caused by the algal plankton Gonyaulax catanella and which can be highly toxic, are being analyzed by the department to see if the tide is safe or not Mr Danie Keet, spokesman for Sea Fisheries, said yesterday that kreef and fish were not affected by red tide.

Graphic TINA COOMBES

MP says he saw police helping witdoeke

Cape Times 4/12/87

By SHAUNA WESTCOTT
Supreme Court Reporter

MP Mr Jan van Eck told the Supreme Court yesterday he saw police giving active support to witdoeke during the razing of the Nyanga Bush, Nyanga Extension and Portland Cement squatter camps in May last year

Mr Van Eck was giving evidence in the R312 000 damages action brought against the Minister of Law and Order by the Methodist Church and 21 families who lost their homes in the KTC destruction

The action is a "test case" for more than 3 000 similar suits claiming R5 million damages

Mr Van Eck, who was chairman of the PFP unrest monitoring committee for more than two years, was asked by counsel for the minister, Mr G D Griessel SC

"Would it surprise you to be told that witdoeke were fearing an attack by the comrades on the morning of June 9, according to police information?"

Mr Van Eck said it would indeed surprise him "All the rumours were that witdoeke were going to pursue the people they had driven out, who had found refuge in New Crossroads, Nyanga and KTC Our information was that the refugees were a source of irritation to the people who wanted them out of the area — preferably in Khayelitsha," Mr Van Eck said

This information had come from his own contacts with residents of the afflicted area and from journalists

Mr Griessel then quoted from a report headlined "Crossroads all over again", written on June 10 last year by Argus crime reporter Mr Stephen Wrottesley

His report attributed the burning of KTC to "faction fighting", and said that witdoeke, "incensed by attacks they saw as emanating from the emergency centres", took retributive action against refugees and KTC residents

"You obviously were not moving in the same circles as this journalist"

Mr Van Eck said that "obviously there was an incredible amount of hatred and bitterness after the destruction of the satellite camps"

However, "the only people who had reason, as a group, to fear attack were the refugees", he said

The trial continues

Mr Justice M R de Kock presided Mr H P Viljoen SC with Mr P Pretorius and Mr A M Omar instructed by the Legal Resources Centre, appeared for the plaintiffs Mr Griessel appeared with Mr E Visser SC, Mr F D J Brand and Mr C Y Louw and was instructed by the State Attorney

'Shot in the back'

10/16/1248 South 275

Shock evidence in 'Trojan Horse' inquest

By RYLAND FISHER

MICHAEL MIRANDA, the 11-year-old boy who died in the "Trojan Horse" incident in Thornton Road, Athlone, in 1985, was shot in the back, an inquest court heard in Wynberg this week.

Quoting a pathologist's report, advocate J Gauntlett said it had been found Miranda had four wounds in the back.

Hidden in crates

Gauntlett appeared for the families of Miranda and Shaun Magmoet, who was 16 at the time of his death.

Jonathan Claasen, 21, was also killed on October 15 1985 when police hidden in crates on the back of a railway truck, opened fire on a crowd at the corner of Thornton and St Simons Roads

Details of Miranda's wounds were revealed during the cross-examination of Sergeant Frank van Niekerk, who admitted to shooting four rounds of buckshot from one of the crates on the railways truck.

In a written statement, Van Niekerk said on October 15 1985 he was sent with other policemen in an unmarked police vehicle "to patrol the unrest-ridden area of Athlone to control and prevent unrest".

"Our aim was to arrest stone-throwers."

He said they had gone in a "Ford railway truck with registration number SASRW 530756".

"We had in crates on the back of this open truck.

"About 16h56 we moved down Thornton Road. Near St Simons Road. I noticed a group of about 200 coloured people congregating on both sides of the road.

They stoned the truck and I heard how the truck's windows were hit.

"We jumped out the crates and started shooting at the stone-throwers because our lives were in danger

"I saw a burning barricade in Thornton Road in front of the truck and the truck had to stop there I fired four shots of buckshot at the stone-throwers. I don't know if I hit anyone

"The crowd of stone-throwers quickly dispersed and we ceased fire immediately. We got off the truck to catch some of them.

Stone-throwers ran

"I saw a group of stone-throwers running into the grounds of No 47 St Simons Road, and I followed them. I caught six of them on the stoep of that house.

"I picked up pieces of brick and stones that were thrown at the truck. After we stopped firing and I left the truck, I did not use my firearm again, and I also did not hear any more shots that were fired after that by any of my colleagues "

Under cross-examination by Gauntlett, Van Niekerk said he had been in the police for 19 years and had been a sergeant for 10 years

Before doing unrest duty, he had worked in the charge office at Manenberg and Athlone

"At the beginning of 1985, I went for unrest training We had trained for three weeks only when the unrest broke out and we had to go and do our duty," he said.

Gauntlett asked him if he knew what was happening in Thornton Road before he jumped up in the crate to shoot.

"We patrolled that street regularly, so I made my own conclusion."

Gauntlett. Did you hear an order to begin shooting?

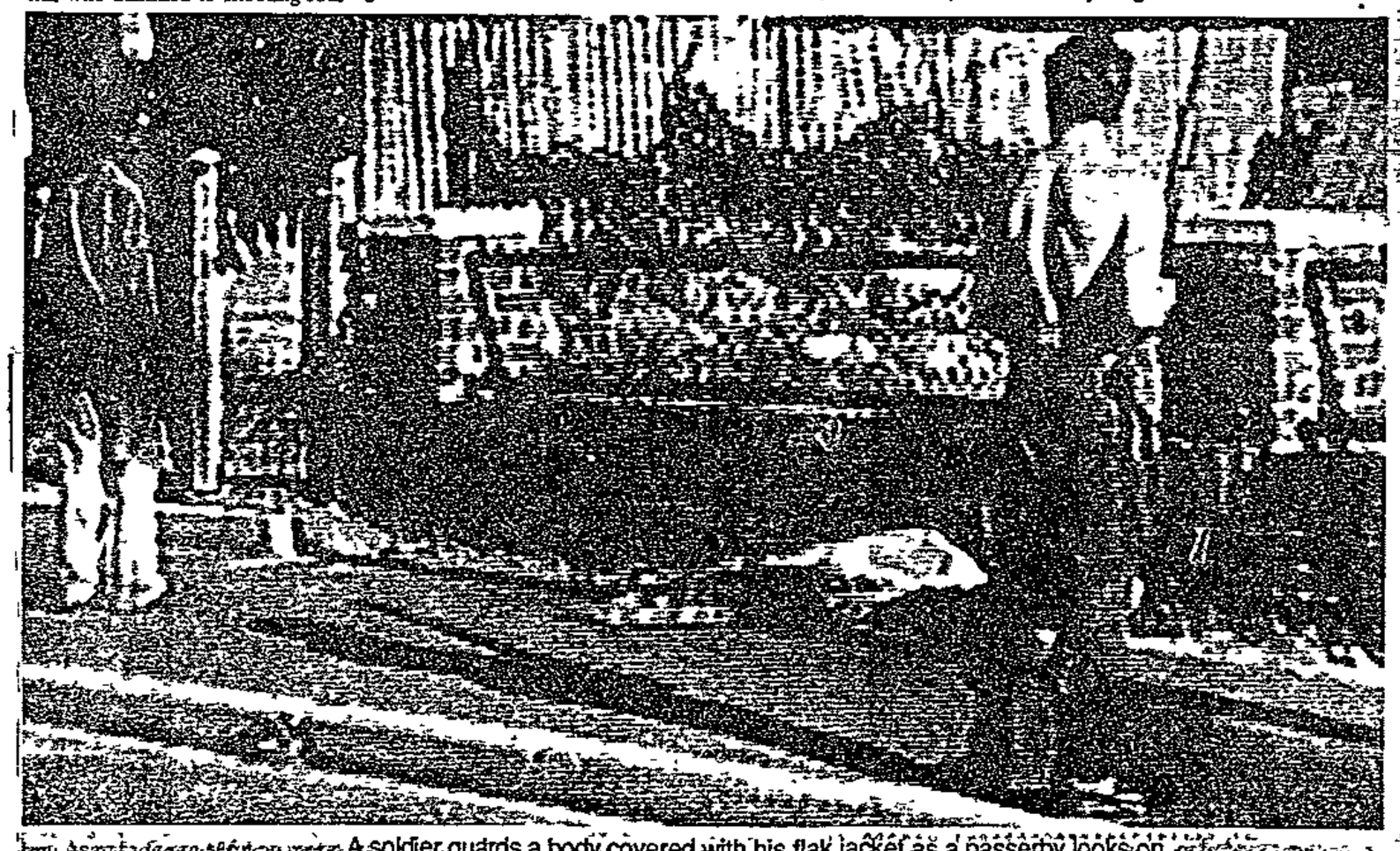
Van Niekerk: It is not necessary to hear an order everytime.

Gauntlett: Did you hear an order?

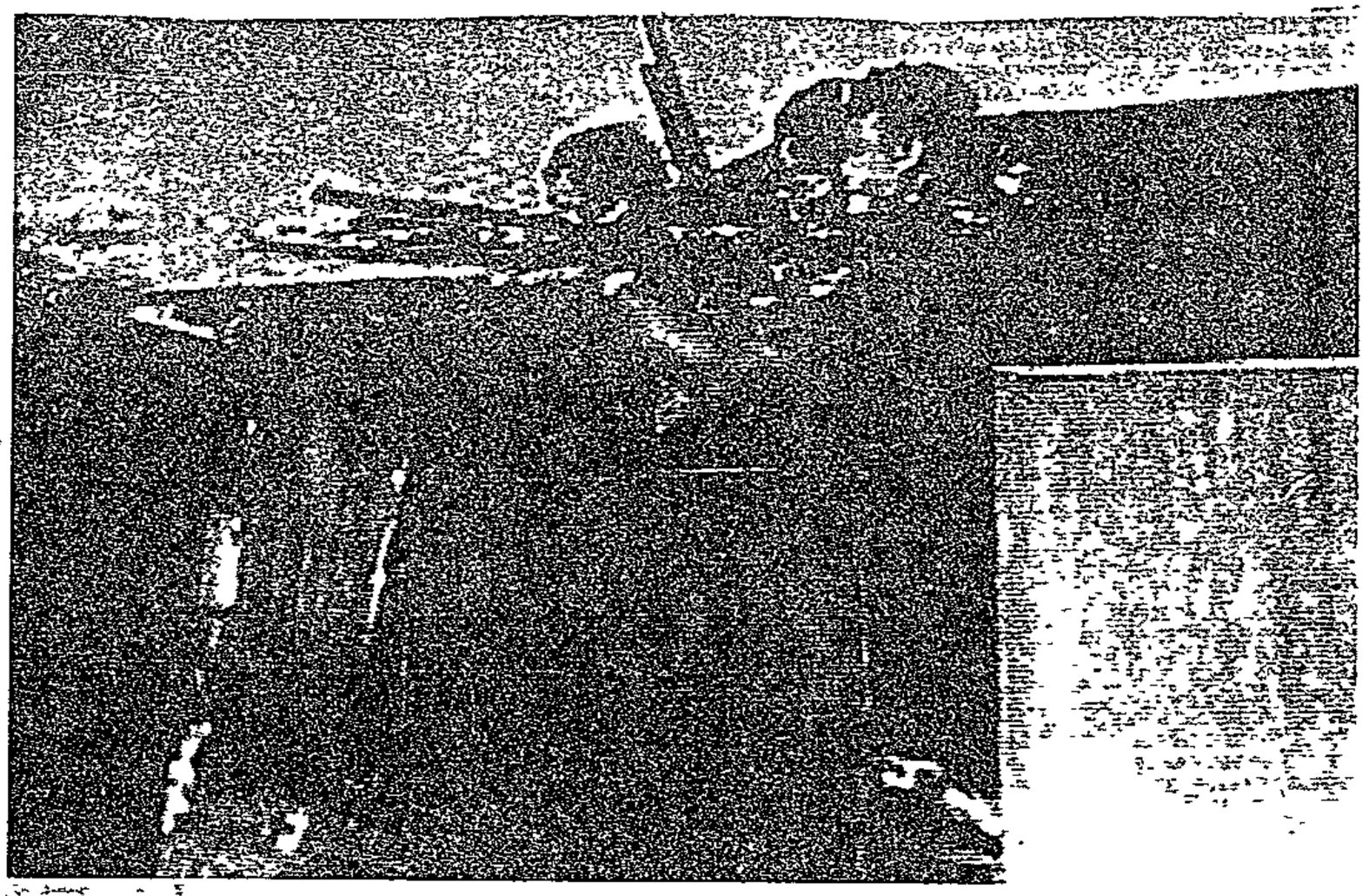
Van Niekerk: I don't know. I can't remember

Gauntlett: Did the police shout at people to stop before they started shooting?

Van Niekerk: I can't remember anything like that.



A soldier guards a body covered with his flak jacket, as a passerby looks on.



Security forces open fire from behind packing cases

Overcome with emotion

THE inquest into the "Trojan Horse" shootings was interrupted twice on Tuesday when witnesses were overcome with emotion and had to step down.

Mrs Zanap Ryklief nearly fainted in the witness stand and another witness, Amina Abrahams, began crying while she was giving evidence.

Ryklief went into the witness stand after the lunch adjournment on Tuesday, the second day of the inquest.

She told the court she had made a statement to the police in November 1985 about the events of October 15.

Before she could be questioned by the prosecutor, Mrs Ryklief felt her forehead and her legs began to buckle

Gauntlett asked for a brief adjournment and for Ryklief to be allowed to step down because "the witness is obviously not feeling well".

He said she could have been affected by the tension of having to wait the whole day to give evidence.

Abrahams was then called to the stand.

The inquest was attended only by close relatives of Miranda and Magmoet, and members of the Ryklief family who live at 102 Thornton Road, the house Magmoet ran into before he died.

Abrahams, whose two children were injured in the shooting, cried during questioning and the court had to be adjourned for 15 minutes

Burning tyres

In a statement, she told the court she lived in Hood Road but had gone to 102 Thornton Road to wait for her children to return from the Muslim school.

"I saw several people standing on the corner of St Simons and Thornton Roads I had never seen so many people there before even though I went there almost everyday.

"I noticed burning tyres strewn across Thornton Road opposite a shop. This scared me and I fetched the children from the Muslim school.

"At 102 Thornton Road, I made the children put on other clothes As usual they played on the double bunk in the front room.

"Zanap Ryklief, Ghowa Ryklief, Rokseya Ryklief were in the house at the time, with my children, Toyer and Ashraaf, and the others, Ghalieb Ryklief, Shaun Magmoed, Ebrahim Ryklief, Shafiek Ryklief, Shawaan Ryklief, and Ismail Abrahams.

"Ismail Abrahams wanted to go home. Zanap Ryklief told him to stay, but he would not listen. Zanap opened the door for him and the other children, with the exception of my two, followed him out.

"I looked out of the kitchen window to see if it was safe outside. Before I reached the window, there were shots from crates. I took cover behind the wall as bullets were coming through the kitchen window.

"When the soldiers stopped firing I rushed to my children in the lounge and found my son, Toyer, had been shot in the leg, Ashraf had been shot on his body, round his lungs, his right arm, his buttocks and legs

"I carried them to the bedroom where I found Ismail Ryklief lying under the dressing table, while Shaun Magmoed was halfway on the bed. It appeared as if Shaun was dead. Ismail Ryklief had blood on his body

"While I was in the bedroom a well-built man wearing military fatigues and a man wearing blue clothing entered the bedroom I was crying and the blue-uniformed man told me not to worry as an ambulance was on its way. The other man dragged Shaun to the lounge

Groote Schuur

"When the ambulance arrived I carried my two children and Zaheb and Ismail Ryklief as they were injured.

"We went to Groote Schuur where the children were treated. My kids and Ashraaf were transferred to Red Cross for further treatment. Ashraaf remained in hospital for an operation to remove a piece of bone from his leg

Spotlight on unrest role of traffic cops

By JOHN YELD
Municipal Reporter

THE role of Cape Town's traffic police during unrest is likely to be fully debated by Cape Town City Council following a report by traffic manager Mr Wouter Smit.

In September the council called on the utilities and works committee to report on steps to ensure that:

● The primary function of the traffic department remain that of providing effective road control and avoiding fatal accidents.

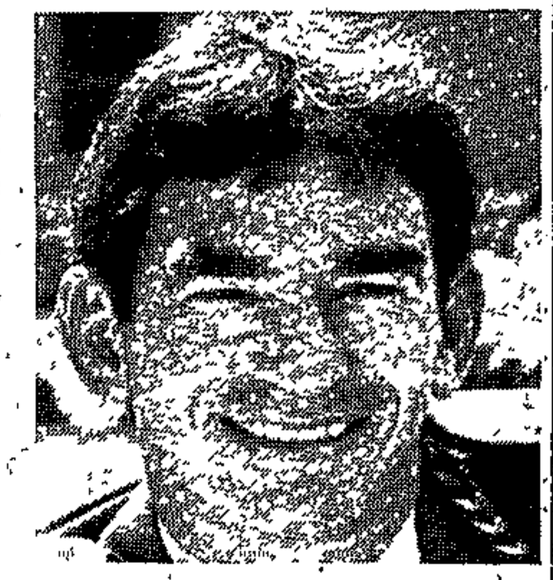
● The force is in no way politicised by being drawn into the "present conflict" between the State and Cape Town's unfranchised communities.

Mr Smit, who reported to the committee this week, said he could not agree entirely with the suggestion that traffic officers should not help police and security forces during unrest.

"Traffic officers are law-enforcement officers who by the very nature of the task that they perform rely to a very large degree on the support and co-operation of the police and our judicial system," he said.

"I would agree that we have no part in the actual performance of the police function, but there are times when we are called on to escort large convoys of vehicles through the municipal area to ensure the free and safe flow of traffic along the roads and at intersections."

Traffic officers' main role in unrest or conflict so far had been to close roads where there was a danger to users and to divert traffic from these areas.



Mr Wouter Smit

Mr Smit said: "This duty has no doubt saved the lives of many citizens as well as saving private property from damage or destruction and was often done at considerable personal risk to the officers concerned.

"We in this branch are very conscious of our responsibility towards the citizens of our city and are governed by this consciousness in carrying out the diversified tasks and functions necessary for the effective and efficient management of vehicular and pedestrian traffic."

The traffic branch had a duty to all citizens and could not allow itself to be used to the advantage or disadvantage of any "personal point of view", Mr Smit concluded.

The utilities and works committee have referred Mr Smit's reply to the council.

UDF men lose application

JOHANNESBURG. — The acting general secretary of the UDF, Mr Murphy Morobe, and the acting publicity secretary, Mr Mohamed Vallie Moosa, yesterday lost an urgent application to have their detentions under emergency regulations set aside by the Rand Supreme Court.

Both men were arrested in Port Elizabeth on July 22 and were moved to Diepkloof Prison in Johannesburg.

UCT student acquitted

A UCT student who was sjambokked and attacked by a dog during protests on the campus in April was yesterday acquitted in the Wynberg Regional Court of public violence.

First-year medical student Mr Saleigh Adams, 19, of Diep River, pleaded not guilty to public violence, alternatively attending an illegal gathering on campus on April 27.

While standing on some steps he was confronted by policemen and one of them hit him with a quirt, he said.

He ran up the stairs and was "brought down by a dog". He denied that he formed part of a group or that he threw any projectiles at the police.

Constable A Holgate said Mr Adams appeared to be a leader in the group and then he saw him throwing stones. He commanded his Alsation to tackle Mr Adams. He said all the policemen then "pounced" on Mr Adams while he pulled the dog away.

Mr M S Knox was the magistrate Mr P Mostert prosecuted Mr M A Albertus instructed by Mr D Adams appeared for Mr Adams.

'No chance' to escape bullets

CP Correspondent

FOUR teenagers were saying goodbye to a friend in Athlone on October 15, 1985 when a railway lorry arrived and shots were fired at them during the so-called "trojan horse" incident, a Wynberg court has heard.

Three people, Jonathan Claasen, Michael Cheslyn Miranda, 12, and Sean Magmoet, 16, died in Thornton Road that day when railway and riot police, hidden in crates on the back of the lorry, opened fire on them.

The inquest started this week.

An eyewitness, Galieb Ryklief, 19, said school had finished an hour earlier that day and he had walked to his aunt's house in Thornton Road

There were burning barricades in the street ahead but he could not see what was burning, he said.

Ryklief said there were many people standing around and he was aware that stones were being thrown.

He said friends and members of his family were at his aunt's home and at about 4pm they prayed together.

He and his friend, Sean Magmoet, decided to go home and he and three others walked with him a short way along the street towards the shop.

"We stood on a concrete slab and talked and suddenly a truck arrived and there was shooting so we ran back into the house," he said.

He said he did not hear a police warning before the shots were fired.

JJ Gauntlett, for the families, asked Ryklief if he had any chance to get away before the shots were fired and Ryklief replied: "No."

Sean was wounded and collapsed onto his aunt's bed. Ryklief said he was also wounded in his right arm and left thigh.

Two policeman then knocked on the door, kicked it open and said Sean was dead.

Ryklief said the policeman took him outside to a group of other children who had been wounded. They took his name and address and a man with a video camera photographed them.

He was later taken to Groote Schuur by the police where he was treated and discharged.

A few weeks later police arrested him and he appeared in the Wynberg Regional Court.

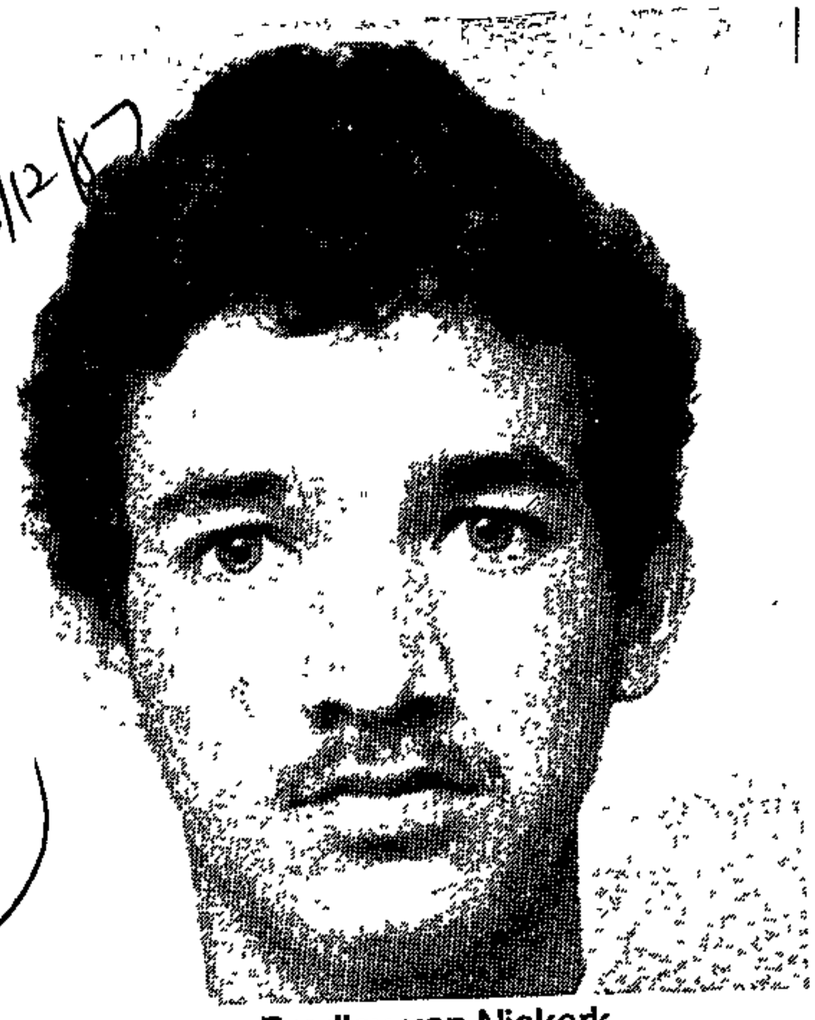
Earlier, the court heard that the only order given to policeman about to go on patrol in Athlone in the lorry was that they should shoot on their own initiative if their lives were endangered.

S Swart, for the State, asked a Constable AJ Smith what instructions he had received from his commanding officer before going on patrol.

"That we should shoot if our lives were in danger," answered Smith, one of the railway policemen who hid in crates on the back of the seven-ton lorry when it patrolled Thornton Road in Athlone.

Smith said he had fired six shots from his pump-action shotgun in the direction of a crowd around the lorry as he feared for his life.

Xmas behind bars for Bradley



Bradley van Niekerk

BRADLEY van Niekerk is going to jail - three days before Christmas.

A two-year campaign to keep him out of prison has finally failed.

He was informed recently to report on December 22 at the Cape Town Magistrate's Court, from where he will be transported to prison.

Van Niekerk, of Kensington, was sentenced to one year in prison after being found guilty of stone throwing at a Kensington high school during an unrest incident on October 23 1985.

He was a Std 8 pupil at the time of his arrest.

A NG Sendingkerk priest, the Rev Cyril Africa, 28, and an Athlone father of three, Mr Robert Claasen, 30, might also spend Christmas behind bars for public violence.

They were each sentenced to three years' imprisonment, of which half was suspended, in a court case relating to an unrest incident in 1985.

Africa recently heard that the appeal against his sentence had failed.

At the moment they are anxiously awaiting notices to report at prison.

Van Niekerk said: "I have come to grips with the fact that I'm going to prison. I now see my sentence as a sacrifice to the struggle."

He regularly saw psychiatrists to help him prepare for prison.

Africa said he didn't feel good about going to prison but was grateful for the support he was getting from family and friends.

Africa was recently appointed to the congregation of a church in Walvis Bay, Namibia, but it is unlikely that he will take up his calling there.

He was legitimised as a priest of the NG Sendingkerk earlier this year, but is still to be ordained.

"My whole career is finished. But I will not despair," he said.

Claasen, who is staying with his sister, is unemployed and living apart from his wife at the moment.

Star Times 15/12/87

275

3 die in Maritzburg violence

PRETORIA. — The bodies of three men were found by police after separate unrest incidents in the Maritzburg area, and two decomposed corpses were discovered in Motherwell, Eastern Cape, police reported yesterday.

At Willow Fountain, Maritzburg, police found the body of an unidentified man. "He had apparently been stabbed to death and his throat cut," police said.

At Taylor's Halt, also near Maritzburg, police found the body of a 20-year-old man with a stab wound in the head. A man and a youth were arrested.

At Motherwell, Port ELizabeth, police found the badly decomposed bodies of two men in a shallow grave. — Sapa